MONTANA
ADMINISTRATIVE
REGISTER

ISSUE NO. 21 – NOVEMBER 7, 2025

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MONTANA
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DEPARTMENT OF COMMERCE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-477.1

Summary

Amendment of ARM 8.94.3814, 8.94.3815, and 8.94.3816 pertaining to the Montana Coal Endowment Program

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Hearing Date and Time

Tuesday, December 2, 2025, at 9:00 a.m.

Virtual Hearing Information

The Department of Commerce will hold a public hearing via Zoom to consider the proposed amendment of the above-stated rules.

Video: https://mt-gov.zoom.us/j/82723976040?pwd=1annlq4oZkQltVobVGanDBAda6PdBZ.1

Webinar ID: 827 2397 6040

Passcode: 771417

Comments

Interested persons may submit data, views, or arguments orally at the Zoom hearing. Written data, views, or arguments may be submitted to Jada Maynor by email: DOCadministrativerules@mt.gov; or by mail: P.O. Box 200501, Helena, MT 59620. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, November 25, 2025, at 5:00 p.m.

Contact

Jada Maynor
(406) 841-2596
jada.maynor@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The Department of Commerce proposes to adopt by reference the following updated manuals for the Montana Coal Endowment Program and incorporate the manuals as rules of the department: the Project Administration Manual (March 2026); the 2026 Construction Application Guidelines for the 2029 Biennium; and the 2027 and 2029 Biennia Emergency Grant Application Guidelines.

The MCEP program is a state-funded grant program that provides funding to communities for planning, emergencies, and infrastructure. Updates to the documents are intended to streamline processes and simplify language. The updates include reducing excessive and repetitive required documentation and reformatting content. The updates also reflect changes made in the 2025 legislative session, including an increased appropriation of $150,000 for emergency grants for infrastructure projects.

The proposed documents can be found at https://commerce.mt.gov/Infrastructure-Planning/Programs-and-Services/Montana-Coal-Endowment-Program/Project-Grants.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

8.94.3814 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF MONTANA COAL ENDOWMENT GRANTS

(1) The Department of Commerce adopts and incorporates by reference the Montana Coal Endowment Program Project Administration Manual (March 2026 ~~2024~~) as rules for the administration of MCEP grants.

(2) The rules incorporated by reference in (1) relate to the following:

(a) project start-up requirements;

(b) environmental requirements;

(c) procurement requirements;

(d) financial management;

(e) protection of civil rights;

(f) labor requirements;

(g) property acquisition;

(h) public facilities construction management;

(i) involving the public;

(j) project monitoring;

(k) project closeout;

(l) preliminary engineering grants; and

(m) emergency grants.

(3) Copies of the regulation adopted by reference in (1) may be obtained from the Department of Commerce, Community MT Division, 301 S. Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or viewed on the department's website at https://commerce.mt.gov/Infrastructure-Planning/Programs-and-Services/Montana-Coal-Endowment-Program/Project-Grants. ~~web site at https://comdev.mt.gov/Programs-and-Boards/Montana-Coal-Endowment-Program/Project-Grants.~~

Authorizing statute(s): 90-6-710, MCA

Implementing statute(s): 90-6-710, MCA

8.94.3815 INCORPORATION BY REFERENCE OF RULES GOVERNING THE SUBMISSION AND REVIEW OF APPLICATIONS FOR FUNDING UNDER THE MONTANA COAL ENDOWMENT PROGRAM - PROJECT GRANTS

(1) The Department of Commerce adopts and incorporates by reference the Montana Coal Endowment Program 2026 ~~2024~~ Construction Application Guidelines for the 2029 ~~2027~~ Biennium as rules governing the submission and review of applications under the MCEP program.

(2) The rules incorporated by reference in (1) relate to the following:

(a) eligible applicants and projects;

(b) types of grants available under MCEP;

(c) general requirements for applying for MCEP grants; and

(d) application ranking criteria and review process.

(3) Copies of the regulation adopted by reference in (1) may be obtained from the Department of Commerce, Community MT Division, 301 S. Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or viewed on the department's website at https://commerce.mt.gov/Infrastructure-Planning/Programs-and-Services/Montana-Coal-Endowment-Program/Project-Grants. ~~web site at https://comdev.mt.gov/Programs-and-Boards/Montana-Coal-Endowment-Program/Project-Grants.~~

Authorizing statute(s): 90-6-710, MCA

Implementing statute(s): 90-6-710, MCA

8.94.3816 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE MONTANA COAL ~~TREASURE STATE~~ ENDOWMENT PROGRAM (MCEP~~TSEP~~) – EMERGENCY GRANTS

(1) The Department of Commerce adopts and incorporates by reference the 2027 and 2029 ~~2021 and 2023~~ Biennia Emergency Grant Application Guidelines for MCEP ~~TSEP~~ Emergency Grants as rules for the administration of the 2027 and 2029 ~~2021 and 2023~~ Biennia Montana Coal ~~Treasure State~~ Endowment Program – Emergency Grants.

(2) The rules incorporated by reference in (1) relate to the scope and procedures for the award, administration, monitoring, and close-out of emergency grants to cities, towns, counties, consolidated governments, county or multicounty water, wastewater or solid waste districts, and tribal governments.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Community MT ~~Development~~ Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the Community MT

~~Development~~ Division website at https://commerce.mt.gov/Infrastructure-Planning/Programs-and-Services/Montana-Coal-Endowment-Program/Emergency-Grants. ~~web site at http://comdev.mt.gov/Programs/TSEP/EmergencyGrants.~~

Authorizing statute(s): 90-6-701, MCA

Implementing statute(s): 90-6-701, MCA

Small Business Impact

The Montana Coal Endowment Program Infrastructure Grant program offers significant economic development opportunities across Montana. Cities, towns, counties, water and sewer districts, and tribes often contract with various consulting firms to complete different professional grant administration services to help navigate the construction phase of a project and ensure compliance with local and state rules and regulations. Some consulting firms are considered small businesses and MCEP project grants have benefited small businesses with expansions and ability to increase their workforce by creating and retaining jobs. The MCEP Infrastructure Grant program's projects increase job creation and retention, assists with business retention, and creates economic opportunities throughout Montana in both urban and rural areas. The proposed rules will not increase or decrease a monetary amount that a person shall pay or will receive.

Bill Sponsor Notification

The department notified House Bill 11 sponsor, John Fitzpatrick, regarding the proposed rules. Representative Fitzpatrick did not provide any comments.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person above or may be made by completing a request form at any rules hearing held by the department.

Rule Reviewer

Brenda Elias

Approval

Mandy Rambo, Deputy Director

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BOARD OF PLUMBERS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-126.1

Summary

The board is making general edits to repeal duplicative or outdated rules and is updating certain provisions to align with legislative changes enacted during the 2025 legislative session. These updates aim to improve clarity, consistency, and regulatory compliance.

Hearing Date and Time

Tuesday, December 2, 2025, at 1:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/82572459616

Meeting ID: 825 7245 9616; Password: 7366584410

Dial by Telephone: +1 646 558 8656

Meeting ID: 825 7245 9616; Password: 7366584410

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, November 25, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.180.407 EXAMINATIONS

(1) All master applicants must successfully complete a written examination with a score of 70 percent or greater.

(2) All journeyman applicants must successfully complete ~~a~~ two written examinations ~~and a practical examination~~ with a score of 70 percent or greater on each examination. The first written examination must be passed before an applicant may take the ~~practical~~ second written examination.

(3) If an applicant fails three written examinations within the one year period of an application's viability, the applicant must submit proof of completion of 20 hours of continuing education as provided in ARM 24.180.2102 before the applicant will be approved to take the examination a fourth time. An applicant who fails the fourth written examination may not reapply for licensure for one year.

Authorizing statute(s): 37-1-131, 37-69-202, MCA

Implementing statute(s): 37-69-304, 37-69-305, 37-69-306, MCA

Reasonable Necessity Statement

This rule is amended because the board no longer offers separate written and hands-on practical examinations; both the written and the practical examinations are in written format. The board is not required by statute to offer a hands-on practical examination. The hands-on practical examination required greater cost, time, and challenges with consistent administration compared with a written examination. The department's other boards, programs, and license types demonstrate that written examinations are sufficient to demonstrate competency for a given licensure. The amendment to this rule removing the hands-on practical examination will expedite licensure, reduce administrative costs, and still demonstrate competency for licensure.

24.180.2404 SCREENING PANEL

(1) The board chair shall assign members to the screening panel ~~shall consist of at least three board members, one of whom shall be a licensed plumber member of the board, and the other two of whom shall be board members selected by the chairman. The screening panel shall be appointed by the board chairman, and the chairman shall not serve as a screening panel member during the chairman's term in office. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion~~.

(2) The board chair may replace or reassign panel members, but the screening panel shall always have at least one licensed journeyman plumber or one licensed master plumber as a member.

Authorizing statute(s): 37-69-202, MCA

Implementing statute(s): 37-1-307, MCA; [HB 414]

Reasonable Necessity Statement

This rule is amended to allow the board chair flexibility in assigning members to the screening panel as the panel now reviews nonroutine applications following the Montana Legislature's passage of House Bill 414 in the 2025 legislative session.

REPEAL

The rules proposed to be repealed are as follows:

24.180.410 DUPLICATE AND LOST LICENSES

Authorizing statute(s): 37-69-202, MCA

Implementing statute(s): 37-1-134, 37-1-141, MCA

Reasonable Necessity Statement

This rule is repealed because it is duplicative of ARM 24.101.403.

24.180.501 JOURNEYMAN PLUMBERS RESPONSIBILITIES

Authorizing statute(s): 37-69-202, MCA

Implementing statute(s): 37-69-323, MCA

Reasonable Necessity Statement

This rule is repealed because it is duplicative of statutes including 37-69-304(2), 37-69-320, and 37-69-323, MCA; and duplicative of statutes on unprofessional conduct including 37-1-316 and 37-69-320, MCA.

24.180.502 MILITARY TRAINING OR EXPERIENCE

Authorizing statute(s): 37-1-145, MCA

Implementing statute(s): 37-1-145, MCA

Reasonable Necessity Statement

This rule is repealed because it is duplicative of 37-1-145, MCA.

24.180.603 RECIPROCITY

Authorizing statute(s): 37-1-131, 37-69-202, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

This rule is repealed because it is duplicative of 37-1-304(3), MCA.

Small Business Impact

The board identified independent plumbers as the only class or group of small businesses that will be affected by the proposed rule changes. The board determined that the impact of these rules is unlikely to be significant as many of the changes are to clean up duplicative language. However, the board determined that any impact of these rules is likely to be positive as the updated rules clarify language and remove duplicative language. Further, the board determined that the impact of ARM 24.180.2404 is likely positive as it expedites nonroutine applications before the screening panel which may allow licensees to get back to work more quickly.

Bill Sponsor Notification

The primary bill sponsor was notified on July 7, 2025 by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Quinton Queer, Presiding Officer, Board of Plumbers

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DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-149.1

Summary

Implementation of Senate Bill 518 and House Bills 246 and 336 - Transition of emergency care providers from a board to a program

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Hearing Date and Time

Monday, December 1, 2025, at 1:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/83577538169

Meeting ID: 835 7753 8169; Password: 7081631117

Dial by Telephone: +1 646 558 8656

Meeting ID: 835 7753 8169; Password: 7081631117

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, November 24, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed Senate Bill (SB) 518 which was signed by the Governor May 5, 2025, and will become effective January 1, 2026. The bill transferred oversight of the emergency care provider license from the board to the department. The proposed rules will become effective on January 1, 2026.

The proposed rule amendments updates references from board to the department references to the emergency care provider license, which the board no longer regulates. Amending these rules to remove references to the emergency care provider license is necessary to ensure regulatory clarity, eliminate confusion for licensees, and align the board's administrative rules with current statutory authority. Emergency care provider licensing types include emergency medical responders, emergency medical technicians, advanced emergency medical technicians, and paramedics.

Rulemaking Actions

TRANSFER AND AMEND

The rules proposed to be transferred and amended are as follows, stricken matter interlined, new matter underlined:

24.156.2701 (24.112.401) DEFINITIONS

(1) For purposes of the rules set forth in this ~~subchapter~~ chapter, the following definitions apply:

(a) “Apprentice” means a person who is a registered apprentice through the Department of Labor and Industry Workforce Services Division Registered Apprenticeship Program for emergency medical technicians.

~~(a)~~(b) "Clinical experience" means supervised instruction, observation, or practice in a patient care setting as part of a course curriculum.

~~(b)~~(c) "Clinical preceptor" means an individual licensed to a licensure level greater than the student, who is responsible for supervising and teaching the student in a clinical setting, under the supervision of the medical director or lead instructor.

~~(c)~~(d) "Curriculum" means the combination of the National EMS Educational Standards and Instructional Guidelines prepared by the USDOT, ~~and~~ the ~~Montana ECP Practice Guidelines~~ National Model EMS Clinical Guidelines, and the Montana ECP Scope of Practice Document.

~~(d)~~(e) "Endorsement" means a supplement within a level of licensure issued in conjunction with the appropriate standard license type (EMR, EMT, AEMT, or Paramedic). Each endorsement acquired by a licensee indicates the licensee has obtained a defined set of skills and knowledge, determined and approved by the ~~board or its designee~~ department, that expands the scope of practice of the ECP.

~~(e)~~(f) "Lead instructor" is an endorsement which indicates the endorsed licensee has attended a ~~board~~ department-approved instructor training program and is authorized to offer and conduct ECP courses.

~~(f)~~(g) "Medical director" means a physician or physician assistant who holds a current unrestricted Montana license and is professionally and legally responsible for training, providing medical direction, and oversight of licensed ECPs under the medical director's supervision.

~~(g)~~(h) "Montana ECP ~~Practice Guidelines~~ Scope of Practice Document" means the written guidelines developed, approved, and distributed by the ~~board~~ department, that provide guidance to medical directors and ECPs licensed to practice at all levels.

~~(h)~~(i) "Offline medical direction" means general medical oversight and supervision for an emergency medical service or an ECP, including, but not limited to, review of patient care techniques, emergency medical service procedures, and quality of care.

~~(i)~~(j) "Online medical control" means real-time interactive medical advice or orders to ECPs.

(k) "Sponsor" means a currently licensed emergency care provider that has entered into an apprenticeship agreement with the registered apprenticeship program per ARM Title 24, chapter 21.

Authorizing statute(s): ~~37-3-203,~~ 50-6-203, MCA

Implementing statute(s): ~~37-3-102, 37-3-203~~ [HB 336], 50-6-101, 50-6-105, 50-6-201, 50-6-202, 50-6-203, 50-6-301, 50-6-302, MCA,

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer this rule due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department.

The 2025 Montana Legislature passed HB 336 which took effect October 1, 2025. The bill allows people to qualify for emergency care provider licensure through completion of an apprenticeship program overseen by the Department of Labor and Industry Workforce Services Division Registered Apprenticeship Program under Title 39, chapter 6, MCA. House Bill 336 gives the department the authority to establish requirements for these apprenticeships including education and supervision. It is reasonably necessary to adopt definitions.

24.156.2711 (24.112.501) ECP LICENSURE QUALIFICATIONS

(1) The ~~board~~ department shall license an applicant as an ECP at the appropriate licensure level if the applicant:

(a) has successfully completed an ECP course of instruction at or above the level of requested licensure; and

(b) possesses a current active or inactive NREMT certification equal to or greater than the level applied for, or provides a current unrestricted substantially equivalent ECP license or certification in another state which has a complaint process.

(2) If an applicant is not eligible for certification by NREMT, the ~~board or its designee~~ department may approve the applicant to undergo an assessment exam administered by NREMT and provide proof of passage of the assessment exam to the department in lieu of a NREMT certification card.

Authorizing statute(s): ~~37-1-131,~~ 50-6-203, MCA

Implementing statute(s): ~~37-1-304,~~ 50-6-201, 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer the rule and to update the authorizing and implementation citations due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department.

24.156.2718 (24.112.2101) CONTINUED COMPETENCY REQUIREMENTS

(1) All licensed ECPs are required to complete continued competency requirements prior to their license expiration date.

(2) Proof of completion shall be retained by the ECP and submitted to the department upon request in one of the following forms:

(a) a current active or inactive NREMT certification card; or

(b) a certificate of completion, issued and signed by the lead instructor and/or medical director, of the NREMT continued competency training requirements.

(3) The lead instructor is responsible for the quality, consistency, and management of the continued competency training at the EMR and EMT levels and shall maintain records of all courses conducted including an agenda and detailed student performances that document the licensee's ability demonstrated during the training.

(4) The medical director is responsible for the quality, consistency, and management of the continued competency training at the EMT with endorsement(s), AEMT, and paramedic levels. The medical director may assign duties as appropriate, but retains the overall responsibility for the training.

(5) All ECPs shall affirm understanding of their recurring duty to comply with continued competency requirements as part of license renewal.

(a) The ECP is responsible for maintaining documentation of completed continued competency training and their medical director's authorization/attestation of continued competence (including endorsement skills) on a ~~board~~ department-approved form which shall be made available to the ~~board~~ department upon request.

(b) The medical director may require the ECP to complete training to ensure competency of endorsement skills.

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer this rule due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department.

24.156.2719 (24.112.508) EXPIRED LICENSE

(1) An expired ECP license may be reactivated upon completion of an expired license renewal application. To reactivate an expired license, an ECP shall:

(a) meet department requirements under ARM 24.101.403 and 24.101.408; and

(b) provide documentation of completion of all renewal requirements required under ARM 24.156.2718 [24.112.2101].

Authorizing statute(s): ~~37-1-131,~~ 50-6-203, MCA

Implementing statute(s): ~~37-1-141,~~ 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to transfer the rule and to update the authorizing and implementation citations due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department. It is reasonably necessary to amend (1)(b) to reference emergency care provider renewal requirements which will transfer from the Board of Medical Examiners to the department.

24.156.2720 (24.112.503) ECP TRAINING COURSES

(1) An individual, corporation, partnership, or any other organization may conduct ECP training courses. All ECP training courses or programs must include the following:

(a) current USDOT curriculum;

(b) Montana ECP ~~Practice Guidelines~~ Scope of Practice Document and National Model EMS Clinical Guidelines;

(c) statutes and rules governing ECPs in Montana;

(d) a final competency evaluation including a practical skill evaluation; and

(e) certificate of successful completion which states:

(i) full name of student;

(ii) start and end dates of the course;

(iii) course level; and

(iv) names of designated lead instructor and/or medical director.

(2) A clinical component must be included and documented in the following levels of ECP courses:

(a) EMT course participants must complete a minimum of ten hours of clinical experience during which the student shall:

(i) observe patient care on at least 5 patients; and

(ii) perform a patient assessment on at least 5 adult patients.

(b) AEMT course participants shall:

(i) properly administer medications at least 10 times to live patients;

(ii) successfully access the venous circulation at least 15 times on live patients of various age groups;

(iii) ventilate at least 15 live patients of various age groups;

(iv) perform an advanced patient assessment on at least 15 adult patients, 5 pediatric patients, and 10 trauma patients;

(v) perform an advanced patient assessment, formulate and implement a treatment plan on at least 10 patients with chest pain;

(vi) perform an advanced patient assessment, formulate and implement a treatment plan on at least 10 adult patients and 3 pediatric patients with dyspnea/respiratory distress;

(vii) perform an advanced patient assessment, formulate and implement a treatment plan on at least 10 patients with altered mental status; and

(viii) serve as the team leader for at least 20 prehospital emergency responses.

(c) Paramedic course participants shall:

(i) properly administer medications at least 15 times to live patients;

(ii) successfully intubate at least 5 live patients;

(iii) successfully access the venous circulation at least 25 times on live patients of various age groups;

(iv) ventilate at least 20 live patients of various age groups;

(v) perform a comprehensive patient assessment on at least 50 adult patients, 30 pediatric patients (including newborns, infants, toddlers, and school age), 40 trauma patients, 30 geriatric patients, 10 obstetric patients, and 20 psychiatric patients;

(vi) perform a comprehensive patient assessment, formulate and implement a treatment plan on at least 30 patients with chest pain;

(vii) perform a comprehensive patient assessment, formulate and implement a treatment plan on at least 20 adult patients and 8 pediatric patients (including infants, toddlers, and school age) with dyspnea/respiratory distress;

(viii) perform a comprehensive patient assessment, formulate and implement a treatment plan on at least 10 patients with syncope;

(ix) perform a comprehensive patient assessment, formulate and implement a treatment plan on at least 20 patients with abdominal complaints;

(x) perform a comprehensive patient assessment, formulate and implement a treatment plan on at least 20 patients with altered mental status; and

(xi) serve as the team leader for at least 50 prehospital emergency responses.

(3) Upon written request from the medical director of an AEMT or paramedic course, the ~~board or its designee~~ department may approve substitution of patient simulators for up to 50 percent of the live patient requirements specified under (2)(b) and (c).

(4) All levels of ECP courses must designate a lead instructor and a medical director. The lead instructor is under the supervision of the ~~board~~ department and medical director for these courses.

(5) The medical director of an ECP course shall be responsible for the overall quality, consistency, and management of the ECP course in which they agree to provide medical oversight. The medical director may delegate duties where appropriate.

(a) Medical direction of an EMR or EMT level course consists of review of agenda, selection of instructors, review of evaluation tools, and review of clinical offerings and objectives.

(b) Medical direction of an AEMT or paramedic level course consists of approval of agenda, approval and selection of instructors, involvement in the development and implementation of evaluation tools, participation as an

instructor, approval of clinical offerings and objectives to be met by clinical components, and verification of successful course completion for each student.

(6) The lead instructor of an EMR course shall:

(a) issue a certificate as provided under (1)(e);

(b) complete the course within six months of the date the course commences; and

(c) provide at least one instructor per six students when practical skills are taught or evaluated.

(7) The lead instructor of an EMT course shall:

(a) issue a certificate as provided under (1)(e);

(b) complete the course within 12 months of the date the course commences;

(c) provide at least one instructor per six students when practical skills are taught or evaluated; and

(d) provide the clinical experience as specified under (2)(a).

(8) The lead instructor and medical director of an AEMT or paramedic course shall:

(a) issue a certificate as provided under (1)(e);

(b) provide clinical experience as specified under (2)(b) and (c);

(c) complete the course in the following time frames:

(i) AEMT course within 18 months from the starting date of the course; and

(ii) paramedic course within 24 months from the starting date of the course;

(d) provide clinical experiences with no fewer than one clinical preceptor for every two students; and

(e) provide sufficient patient accessibility to allow students to complete all clinical experiences within the course dates.

(9) Requests for extension of required course completion times stated in (8)(c) must be submitted in writing and may be granted by the ~~board or its designee~~ department.

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer this rule due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department. Further, it is reasonably necessary to update all references to the "ECP Practice Guidelines" to accurately reflect the document which is referred to as the "Montana ECP Scope of Practice Document."

24.156.2751 (24.112.504) LEVELS OF ECP LICENSURE INCLUDING ENDORSEMENTS

(1) The ~~board~~ department issues four levels of licenses for ECPs. Each level has endorsements that may be added to an ECP license. Endorsements do not have to be acquired in the order listed below and may consist of one or more combinations within each ECP level. The levels of licensure and endorsements are as follows:

(a) EMR licenses:

(i) EMR monitoring;

(ii) lead instructor; and

(iii) CIHC.

(b) EMT licenses:

(i) medication;

(ii) IV and IO (intravenous infusion and intraosseous infusion) initiation;

(iii) IV and IO (intravenous infusion and intraosseous infusion) maintenance;

(iv) airway;

(v) lead instructor; and

(vi) CIHC.

(c) AEMT licenses:

(i) AEMT medication;

(ii) AEMT-99;

(iii) lead instructor; and

(iv) CIHC.

(d) Paramedic licenses:

(i) critical care paramedic;

(ii) lead instructor; and

(iii) CIHC.

Authorizing statute(s): ~~37-3-203,~~ 50-6-203, MCA

Implementing statute(s): ~~37-3-102, 37-3-203,~~ 50-6-101, 50-6-105, 50-6-201, 50-6-202, 50-6-203, 50-6-301, 50-6-302, MCA

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer the rule and to update the authorizing and implementation citations due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department.

24.156.2752 (24.112.505) ECP ENDORSEMENT APPLICATION

(1) An applicant for an ECP endorsement, at any level, shall submit an application on a form prescribed by the ~~board~~ department, the appropriate fee, and:

(a) the applicant's verification of knowledge and skills as identified on a form provided by the ~~board~~ department for each endorsement level for which the applicant is applying; and

(b) attestation of current Montana ECP license at the appropriate level to qualify for the endorsement.

~~(2) The applicant may voluntarily withdraw the application by submitting a written request to the board. All application fees submitted will be forfeited.~~

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer the rule due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department. Further, it is necessary to strike (2) as it is duplicative of ARM 24.101.403(6).

24.156.2753 (24.112.506) CIHC ENDORSEMENT

(1) An applicant for CIHC endorsement shall submit an application, the appropriate fees, and:

(a) verification of completion of a ~~board~~ department-approved curriculum in community-integrated health care provided by an accredited institution of higher learning~~, which must include 48 hours of clinical experience~~; ~~and~~

(b) attestation of a minimum of one year of experience at the applicant's current level of licensure~~.~~; and

(c) 48 hours of clinical experience.

(2) An ECP acting under a current CIHC endorsement shall:

(a) act within their scope of practice according to the Montana ECP ~~Practice Guidelines~~ Scope of Practice Document;

(b) follow the patient care plan developed by the physician, PA, or APRN directing the CIHC to their patient, which may not be unilaterally altered by the ECP's medical director; and

(c) consult their medical director regarding scope of practice.

Authorizing statute(s): ~~37-3-203,~~ 50-6-203, MCA

Implementing statute(s): ~~37-3-102, 37-3-203,~~ 50-6-101, 50-6-105, 50-6-201, 50-6-202, 50-6-203, 50-6-301, 50-6-302, MCA

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer the rule and to update the authorizing and implementation citations due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department. Further, it is reasonably necessary to update all references to the “ECP Practice Guidelines” to accurately reflect the document which is referred to as the “Montana ECP Scope of Practice Document.” The proposed amendment in (1)(c) allows flexibility for an applicant for the CIHC endorsement to complete 48 hours of clinical experience in a setting beyond an accredited institution of higher learning.

24.156.2761 (24.112.507) PROCEDURES FOR REVISION OF MONTANA ECP ~~PRACTICE GUIDELINES~~ SCOPE OF PRACTICE DOCUMENT

(1) A medical director may submit a petition for revisions to the Montana ECP ~~Practice Guidelines~~ Scope of Practice Document. The department may accept public comment regarding the petition.

(2) The petition must be submitted on a ~~board~~ department-approved form with the following supporting documentation:

(a) a written recommendation and/or position statement for the revision; and

(b) literature supporting the recommendations and/or position.

~~(3) Upon receiving the petition, the board shall proceed as follows:~~

~~(a) the board's medical direction committee (committee) shall review an initial petition to determine whether to place the petition as an action item on the agenda for the next regularly scheduled board meeting;~~

~~(b) the committee may accept public comment regarding the petition;~~

~~(c) the committee shall present the board with a written recommendation; and~~

~~(d) the board shall consider the committee's recommendation and take action on the petition no sooner than the next regularly scheduled board meeting.~~

~~(4)~~(3) The ~~board~~ department shall approve the proposed revision when:

(a) it is demonstrated to the satisfaction of the ~~board~~ department that granting the petitioner's request is necessary to provide appropriate standards of medical care;

(b) the ~~board~~ department finds that the public's interest in granting the revision clearly outweighs the interest of maintaining the uniform Montana ECP ~~Practice Guidelines~~ Scope of Practice Document; and

(c) the ~~board~~ department concludes the revisions will protect public health, safety, and welfare.

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer the rule and to update the authorizing and implementation citations due to passage of SB 518 (2025), which transfers oversight of

emergency care provider licensure from the Board of Medical Examiners to the department. Further, it is reasonably necessary to update the department's process for a medical director to submit revisions to the Montana ECP Scope of Practice Document. With the transfer of emergency care provider licensure to the department, there will not be a Board of Medical Examiner's committee to review the submission. Finally, the department may still accept public comment regarding the petition.

24.156.2771 (24.112.502) ECP SCOPE OF PRACTICE

(1) An ECP licensed at an EMR or EMT level may perform any acts allowed within the ECP's licensure or endorsement level when:

(a) operating independently within the most current version of the Montana ECP ~~Practice Guidelines~~ Scope of Practice Document;

(b) under the medical oversight of a medical director who is taking responsibility for the ECP; or

(c) participating in a continuing education program.

(2) An ECP licensed at an EMT with endorsement(s), AEMT, or paramedic level may perform any acts allowed within the ECP's licensure level or endorsement level when:

(a) under medical oversight of a medical director who is taking responsibility for the ECP; or

(b) participating in a continuing education program.

(3) An ECP ~~legally~~ licensed in good standing in the state from which they are responding may perform within their scope of practice at the level licensed, when functioning as a member of a licensed ambulance service that finds itself within the boundaries of Montana, while:

(a) responding to an emergency where the border is not clearly known;

(b) responding to an emergency in accordance to a mutual aid agreement with a Montana licensed EMS service; or

(c) conducting a routine transfer to or from a Montana medical facility.

(4) A student may perform beyond the level of his or her individual licensure when functioning as a student in an ECP training course conducted in accordance with ~~board~~ department rules including participating in a clinical component of a course or program of instruction originating in another state that has a clinical contract with a Montana healthcare facility or a Montana licensed EMS agency and functions under the direct supervision of a clinical preceptor licensed in Montana. The

student must perform within the Montana scope of practice at the level for which the student is a student candidate.

(5) Except as provided in (4), an ECP may not perform any acts that are beyond the ECP's level of licensure or endorsement.

(6) The medical director may limit the functioning scope of an ECP due to community needs and/or issues with maintaining competency. If, after remediation and review of an individual ECP's performance, the medical director has continuing concerns as to the ECP's ability to perform to the ECP's scope of practice, this shall be reported to the ~~board~~ department.

(7) An ECP ~~currently~~ licensed and in good standing in another state may function during a state or federally managed incident in compliance with the Montana ECP ~~Practice Guidelines~~ Scope of Practice Document, but shall comply with all of the following:

(a) the ECP's practice shall be limited to the duration of the state or federally managed incident;

(b) practice shall be conducted within the geographic area, whether on federal, state, or private land, designated as being within the state or federally managed incident;

(c) the ECP practices only at the level licensed in another state; however, if the ECP is licensed above the basic EMT level, the practice above a basic EMT level may only occur if the ECP has medical direction oversight provided by a Montana licensed physician or physician assistant approved by the ~~board~~ department as a medical director, and the medical director authorizes the ECP to function beyond the basic EMT level;

(d) provide proof of current licensure and good standing in another state; and

(e) submit the appropriate form to the ~~board~~ department.

(8) The ~~board or their designee~~ department may conduct onsite visits of state or federally managed incidents to assure compliance.

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to amend and transfer this rule due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department. Further, it is reasonably necessary to update all references to

the “ECP Practice Guidelines” to accurately reflect the document which is known as the “Montana ECP Scope of Practice Document.”

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 APPLICANTS WITH CRIMINAL CONVICTIONS

(1) The department incorporates ARM 24.101.406 by reference with the following modification:

(a) Nonviolent misdemeanor convictions involving driving under the influence (DUI) in (5)(a) are routine if the conviction date is more than five years before the application date, unless the applicant is still in custody due to the conviction.

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to adopt NEW RULE 1 due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department. Further, it is reasonably necessary to adopt NEW RULE 1 to provide further criteria distinguishing driving under the influence (DUI) convictions as routine if the conviction date is more than five years before the application date, unless the applicant is still in custody due to the conviction.

NEW RULE 2 FEE SCHEDULE

(1) Initial and active license renewal application fees:

(a) Emergency medical responder - $20;

(b) Emergency medical technician - $35;

(c) Advanced emergency medical technician - $55;

(d) Paramedic - $75;

(e) Emergency care provider endorsement – per submission - $10.

A single submission may include multiple endorsement applications from a single applicant.

(2) Additional standardized fees are in ARM 24.101.403.

(3) All fees are nonrefundable.

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to adopt NEW RULE 2 following the passage of SB 518 (2025), which transfers emergency care provider licensure from the Board of Medical Examiners to the department. Reasonable necessity exists to adopt fees for initial application and renewals of emergency care provider licensure types. The fee amounts will remain the same under the department's licensure oversight as they were while under the Board of Medical Examiners authority.

NEW RULE 3 LICENSURE BY APPRENTICESHIP

(1) Applicants for licensure by apprenticeship must:

(a) complete an apprenticeship through the Montana Registered Apprenticeship Program; and

(b) pass examinations as described in ARM 24.156.2711 [24.112.501].

Authorizing statute(s): [HB 336], 50-6-203, MCA

Implementing statute(s): [HB 336], 50-6-203, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 336 which took effect October 1, 2025. The bill allows people to qualify for emergency care provides licensure through completion of an apprenticeship program overseen by the Department of Labor and Industry Workforce Services Division Registered Apprenticeship Program under Title 39, chapter 6, MCA. Qualifying for licensure through apprenticeships will be in addition to education and examination pathways under existing department statutes and administrative rules. House Bill 336 gives the

department the authority to establish requirements for these apprenticeships including education and supervision while adhering to federal apprenticeship requirements under 29 CFR part 29, subpart A, as Montana's program adheres to federal standards. The department proposes NEW RULE 3 to implement this legislation.

NEW RULE 4 MANAGEMENT OF INFECTIOUS WASTES

(1) Each person licensed by the department shall store, transport off premises, and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA.

(2) Used sharps are properly packaged and labeled within the meaning of 75-10-1005, MCA, when this is done as required by the Occupational Safety and Health Administration (OSHA).

Authorizing statute(s): 50-6-203, 75-10-1006, MCA

Implementing statute(s): 50-6-203, 75-10-1006, MCA

Reasonable Necessity Statement

Reasonable necessity exists to adopt NEW RULE 4 following the passage of SB 518 (2025), which transfers emergency care provider licensure from the Board of Medical Examiners to the department. Reasonable necessity exists to ensure emergency care provider licensees properly store, transport off premises, and dispose of infectious wastes in accordance with statutory requirements.

NEW RULE 5 MEDICAL DIRECTOR

(1) A medical director providing medical oversight over emergency care providers shall comply with ARM 24.156.2732.

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-101, 50-6-105, 50-6-201, 50-6-202, 50-6-203, 50-6-301, 50-6-302, MCA

Reasonable Necessity Statement

Reasonable necessity exists to adopt NEW RULE 5 following the passage of SB 518 (2025), which transfers emergency care provider licensure from the Board of Medical Examiners to the department. Reasonable necessity exists to acknowledge physician and physician assistants providing medical oversight as a medical director to an individual or group of ECPs remain licensed by the Board of Medical Examiners and must comply with the cited administrative rule.

NEW RULE 6 SUBSTANTIAL EQUIVALENCY

(1) The department adopts and incorporates by reference the 2025 substantial equivalency list for emergency care providers publication. The publication is available on the department's website.

(2) The department intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 6. The department has compared current licensure standards of

the fifty United States for department licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the department's initial approved list of states having substantially equivalent licensing standards. The list will be published on the department's website. The department will analyze other states' licensing standards annually, and update the published list as needed.

NEW RULE 7 UNPROFESSIONAL CONDUCT

(1) It is unprofessional conduct for a licensee or applicant to:

(a) violate any statute, rule, or standard of care governing their scope of practice;

(b) fail to report to the department within thirty days from the date of a final judgment, order, or agency action, all information related to malpractice, misconduct, criminal, or disciplinary action in which the licensee or applicant is a party;

(c) violate facility care policy or procedure while providing services in a healthcare facility

(d) administer, dispense, prescribe, order, or otherwise divert a controlled substance as defined by the federal Food and Drug Administration or its successors, otherwise than in the course of legitimate or reputable professional practice;

(e) regarding patient records, fail to:

(i) appropriately secure records;

(ii) appropriately document patient care; or

(iii) transfer records to another licensed health care provider, the patient, or the patient's representative when requested to do so by the patient or the patient's legally designated representative;

(f) fail to cooperate with or respond to a department request or investigation;

(g) fail to report an incident of unsafe practice or unethical conduct of another licensee to the licensing authority;

(h) perform services or use machines or devices that are outside of the licensee's scope of practice;

(i) practice under unsanitary or unsafe conditions;

(j) commit any act of sexual abuse, misconduct, or exploitation whether or not it is related to the licensee's practice;

(k) while under investigation or during a pending complaint, in Montana or elsewhere, but prior to a determination:

(i) withdraw an application for licensure, certification, or registration; or

(ii) voluntarily relinquish or surrender a professional or occupational license, certification, registration, or privileges;

(l) fail to adequately supervise apprentices.

Authorizing statute(s): 50-6-203, MCA

Implementing statute(s): 50-6-203, MCA

Reasonable Necessity Statement

Reasonable necessity exists to adopt NEW RULE 7 due to passage of SB 518 (2025), which transfers oversight of emergency care provider licensure from the Board of Medical Examiners to the department. Further, it is reasonably necessary to set forth unprofessional conduct rules to recognize instances in which an emergency care provider licensee may be disciplined.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are hospitals and non-hospital-based ambulance services that are small businesses. The rules implementing HB 336 provide another avenue to obtain a license through apprenticeships. The department believes these changes will have positive effects, specifically in rural communities where individuals may remain employed while gaining experience through their apprenticeships. The department is not able to predict how many applicable small businesses will sponsor apprenticeships, nor is it possible to quantify the small business impact of the new apprenticeship opportunities. The board has determined that the proposed rule changes will not create a significant and direct impact on these small businesses.

The fee amounts will remain the same under the department's licensure oversight as they were while under the Board of Medical Examiners authority.

Bill Sponsor Notification

The primary bill sponsors were all contacted by electronic mail on the following dates: the SB 518 sponsor was contacted on April 18, 2025; the HB 336 sponsor on July 24, 2025; and the HB 246 sponsor on August 20, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-209.1

Summary

Adopting rules for construction contractor licensing

Hearing Date and Time

Tuesday, December 2, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/85270123331

Meeting ID: 852 7012 3331; Password: 4430127362

Dial by Telephone: +1 646 558 8656

Meeting ID: 852 7012 3331; Password: 4430127362

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, November 25, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

For many years, construction contractor registration has required those engaged in construction to register with the Department of Labor and Industry (department). In 2025, House Bill (HB) 239 established licensure of construction contractors and placed the license within Title 37, MCA. Licensing, and the establishment of unprofessional conduct standards and enforcement, provides for public safety by limiting the ability of bad actors to continue to engage in the profession. This rulemaking is reasonably necessary to repeal the current rules for construction contractor registration in favor of new rules for the license.

Rulemaking Actions

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 (24.227.401) FEES

(1) Application and renewal fee - $70

Authorizing statute(s): [HB 239, Section 3]

Implementing statute(s): [HB 239, Section 6]

Reasonable Necessity Statement

This rule is reasonably necessary to set forth the fee requirements for construction contractor licensing. Fees are required to be commensurate with costs of operating the program. *See* 37-1-101, MCA.

NEW RULE 2 (24.227.403) APPLICATIONS

(1) Applicants for licensure must submit a complete application form provided by the department, including all required fees and documentation.

Authorizing statute(s): [HB 239, Section 3]

Implementing statute(s): [HB 239, Section 3, Section 4]

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to clarify that the form of applications fora construction contractor license is governed by the department. Only those applications submitted on the department's form, and including all information requested on the form, will be accepted.

NEW RULE 3 (24.227.2301) UNPROFESSIONAL CONDUCT

(1) In addition to other conduct specified by law, the following is unprofessional conduct:

(a) failing to notify the department within 30 days of:

(i) any change to ownership or change in business name of the construction contractor business; and

(ii) any change in business officers, members, or partners which has been or must be reported in filings with the Secretary of State;

(b) violating a federal, state, or local law or rule relating to the conduct of the profession or occupation; and

(c) engaging a person to perform work for which the person is not licensed.

Authorizing statute(s): [HB 239, Section 3]

Implementing statute(s): [HB 239, Section 4, Section 7]

Reasonable Necessity Statement

This rule is reasonably necessary to establish standards for unprofessional conduct in line with those currently in place for construction contractor registrants and to implement the department's obligation to adopt applicable unprofessional conduct standards. Specifically, (1)(a) recodifies the current requirements of ARM 24.33.142 regarding ownership of the construction contractor business. As has been required, licensees are required to notify the department of changes in ownership or business name as well as any change in the officers of the business. This ensures clarity for purposes of disciplinary actions which may be necessary. 30 days was selected as the notification timeline in alignment with HB 276 (2025) for notifications of changes in address. Because of HB 276, rule requirements for notification of contact information changes are not necessary, as were set forth in ARM 24.33.142. Subsection (1)(b) is reasonably necessary to clarify that construction contractor licensees, like all licensees, are required to follow the laws relating to their profession. In particular, this provides clarity that the use of a license to violate the law is not permissible. Subsection (1)(c) is reasonably necessary because contractors are in the best position to understand that their employees and subcontractors are required to have applicable licenses to perform certain types of work. As such, failing to ensure appropriate licensure violates standards applicable to the profession.

REPEAL

The rules proposed to be repealed are as follows:

24.33.121 CONSTRUCTION CONTRACTOR APPLICATIONS AND FEES

Authorizing statute(s): 39-9-103, MCA

Implementing statute(s): 39-9-206, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule. Fees are proposed to be set forth in the simplified NEW RULE 2. The remainder of the rule is not necessary because application rules are governed by Title 37, MCA, for all license types or merely sets forth business process, which need not be specified in rule.

24.33.135 SUSPENSION OF CONSTRUCTION CONTRACTOR REGISTRATION

Authorizing statute(s): 39-9-103, MCA

Implementing statute(s): 39-9-204, 39-9-301, 39-9-401, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule in favor of NEW RULE 3, which sets forth unprofessional conduct requirements for construction contractor licensees as well as for the provisions of HB 239, Section 7, also setting forth unprofessional conduct requirements.

24.33.142 REPORTING CERTIFICATE CHANGES

Authorizing statute(s): 39-9-103, MCA

Implementing statute(s): 39-9-201, 39-9-206, 39-9-301, 39-9-303, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule because address reporting requirements are set forth statutorily. See HB 276, Section 1. The remaining substance is proposed to be incorporated in NEW RULE 3, UNPROFESSIONAL CONDUCT.

24.33.151 CERTIFICATES OF REGISTRATION

Authorizing statute(s): 39-9-103, MCA

Implementing statute(s): 39-9-204, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule because the licensing statute does not expressly provide for differing license types based on employment status. All construction contractors are required to abide by the laws applicable to them, including without limitation, unemployment insurance and workers' compensation.

Small Business Impact

This rulemaking is expected directly to impact small business defined statutorily as construction contractors. There are approximately 12,800 construction contractor registrants currently. However, the rulemaking does not create an impact beyond that expressly generated through HB 239. Nonetheless, this rulemaking sets forth the specific application and notification

requirements for construction contractors as well as unprofessional conduct standards beyond, but in line with, those specified in statute. Moreover, the department does not propose by this rulemaking to adopt a new fee or to increase or decrease the fee to obtain or renew a construction contractor license.

Bill Sponsor Notification

The primary bill sponsor was contacted by e-mail on May 30, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-239.1

Summary

Revising professional employer organization rules

Hearing Date and Time

Friday, November 28, 2025, at 1:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/85301182673

Meeting ID: 853 0118 2673; Password: 8730290484

Dial by Telephone: +1 646 558 8656

Meeting ID: 853 0118 2673; Password: 8730290484

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, November 21, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.38.101 NEW APPLICATIONS - DENIALS

(1) An applicant for initial licensure must submit all information and documentation required by statute and rule.

(2) As contemplated by 39-8-202(8), MCA, an applicant accredited by the Employer Services Assurance Corporation, as shown by affidavit, fulfills the requirements of 39-8-202(6) and (7), MCA.

~~(2)~~(3) An application that does not contain all required information and documentation is incomplete. Upon receipt of an incomplete application from a newly applying PEO, the department will notify the applicant in writing that the PEO has ~~90 days~~ six months from the date that the original application was received to submit a completed application. An application may be denied for incompleteness after six months.

~~(a) If a complete application is not received within the 90-day deadline, the application will be denied.~~

~~(b) An extension of the application process may be requested in writing by a controlling person and will be evaluated on a case-by-case basis.~~

Authorizing statute(s): 39-8-201, MCA

Implementing statute(s): 39-8-202, 39-8-203, 39-8-207, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to recognize that certain paperwork is not necessary to be submitted to the department with an application when applying entities are accredited by the Employer Services Assurance Corporation (ESAC). The amendment proposes to simplify applications and limit the paperwork necessary to become a licensed PEO. Section (3) is proposed to be amended to simplify the rule and to clarify and extend the timelines for denial of an application based on incompleteness.

24.38.105 RENEWAL APPLICATIONS - DENIALS

(1) ~~Except as set forth in (2),~~ A complete renewal application must be submitted to the department at least 30 days prior to the license expiration.

(2) Waiver of specific documentation requirements set forth in ARM 24.38.101 apply to renewals in this rule.

~~(2) A renewal application submitted less than 30 days prior to license expiration must be accompanied by a request for extension. An incomplete renewal application submitted less than 30 days prior to license expiration is subject to summary denial.~~

~~(3) Request for extension will be considered on a case-by-case basis and will be granted in the department's sole discretion. At minimum, the request must contain:~~

~~(a) the specific length of extension sought; and~~

~~(b) the reason extension is necessary, including circumstances outside the requestor's control.~~

Authorizing statute(s): 39-8-201, MCA

Implementing statute(s): 39-8-202, 39-8-203, 39-8-204, 39-8-206, MCA

Reasonable Necessity Statement

There is reasonable necessity to strike (2) and (3) because they substantially duplicate 39-8-204, MCA. There is reasonable necessity to adopt new (2) to recognize that paperwork waivers recognized by the department in new applications apply equally to renewal applications.

24.38.111 SUSPENSION, REVOCATION, NONRENEWAL - APPEAL - IMMEDIATE CESSATION OF OPERATIONS

(1) The PEO may appeal the suspension, revocation, or nonrenewal by submitting a written request within 30 days of receiving the notice of suspension, revocation, or denial by the means specified in the notice. ~~The appeal must be submitted to dlierdpeo@mt.gov.~~

(2) When the suspension or revocation of a provisional or regular license is appealed, the department may order an immediate cessation of operations if:

(a) the PEO does not maintain a valid workers' compensation policy; or

(b) other circumstances determined by the department warrant immediate cessation of operations.

Authorizing statute(s): 39-8-201, MCA

Implementing statute(s): 39-8-203, 39-8-204, 39-8-206, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to eliminate reference to an incorrect e-mail address. Instead, the rule proposes to recognize that the means to effectuate an appeal are set forth in the notice of action.

24.38.125 PROFESSIONAL EMPLOYER ORGANIZATIONS

(1) PEOs must meet all recordkeeping and reporting obligations applicable to all other employers pursuant to the Unemployment Insurance Law.

(2) Concurrent with the report required by ARM ~~24.11.2711~~ 24.40.1609, PEOs must submit quarterly to unemployment insurance a report detailing:

(a) for each client:

(i) client name; and

(ii) client federal employer identification number;

(b) for each leased employee:

(i) name;

(ii) social security number; and

(iii) for each client for which the leased employee worked, the wages paid.

(3) Failure to submit filings pursuant to this rule may subject a PEO license to suspension, revocation, or refusal to renew.

Authorizing statute(s): 39-8-201, 39-51-301, MCA

Implementing statute(s): 39-8-207, 39-8-302, 39-51-1219, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule to include the correct cross reference to the unemployment insurance rules.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 (24.38.107) QUARTERLY FILINGS

(1) The department waives the requirement of quarterly filings set forth in 39-8-207(2)(b), MCA for those PEOs who have:

(a) submitted an affidavit from and are certified and in good standing with the Employer Services Assurance Corporation; or

(b) submitted an affidavit demonstrating that they are a certified PEO, as defined at 26 U.S.C. 7705.

Authorizing statute(s): 39-8-207, MCA

Implementing statute(s): 39-8-207, MCA

Reasonable Necessity Statement

Section 39-8-207, MCA, authorizes the department to waive quarterly filing requirements for PEOs who submit an affidavit from a certifying body which evaluates the same or similar criteria. In furtherance of efforts to eliminate burdensome paperwork, the department proposes to recognize ESAC and CPEO as to certifications meeting these requirements.

Small Business Impact

This rulemaking is expected to impact professional employer organizations licensed in Montana. The rulemaking is expected to reduce paperwork obligations and streamline licensing efforts for these PEOs. However, there is not expected to be a significant and direct monetary impact on PEOs.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-417.1

Summary

Substantial equivalency for the Board of Speech-Language Pathologists and Audiologists

---

Hearing Date and Time

Friday, November 28, 2025, at 10:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: https://mt-gov.zoom.us/j/84960452911

Meeting ID: 849 6045 2911; Password: 2646496496

Dial by Telephone: +1 646 558 8656

Meeting ID: 849 6045 2911; Password: 2646496496

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, November 21, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the Board of Speech-Language Pathologists and Audiologists is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

Rulemaking Actions

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

(1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the Board of Speech-Language Pathologists and Audiologists publication. The publication is available on the board's website.

(2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.

(3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Small Business Impact

It is expected that this rulemaking will impact applicants for licensure in Montana who hold licenses in other states. There is not expected to be a significant or direct impact on small businesses.

Bill Sponsor Notification

The bill sponsor was contacted by e-mail on September 17, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Hillary Carter, Presiding Officer, Board of Speech-Language Pathologists and Audiologists

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-112.1

Summary

Amendment of ARM 37.36.604 pertaining to the Montana Accessible Communications (MTAC) Financial Eligibility Criteria

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Hearing Date and Time

Monday, December 1, 2025, at 9:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: https://mt-gov.zoom.us/j/84913118442?pwd=Ukyj5OVDazfMe5pMmaO4pTPa8Pj29Q.1

Meeting ID: 849 1311 8442 Password: 478095

Dial by Telephone +1 646 558 8656

Meeting ID: 849 1311 8442 Password: 478095

Find your local number: https://mt-gov.zoom.us/u/kcjBuwUYpo

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, November 17, 2025, at 5:00 p.m.

Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

37.36.604 FINANCIAL ELIGIBILITY CRITERIA

(1) Individuals whose annual family income during the 12 months immediately preceding the month of application is less than 250% of the ~~2023~~ 2025 poverty guidelines published by the U.S. Department of Health and Human Services (HHS) are eligible for a loan of specialized telecommunications equipment based on income. 250% of the HHS ~~2023~~ 2025 annual poverty guidelines for families of various sizes is specified on the Montana Accessible Communications program website, effective on ~~January 12, 2023~~ January 15, 2025, which rate is adopted and incorporated here by reference. A copy is available at ~~https://dphhs.mt.gov/detd/mtap/nocostassistiveequipment~~ https://dphhs.mt.gov/detd/mtac/nocostassistiveequipment, or may be obtained from the Department of Public Health and Human Services, Montana Accessible Communications Program (MTAC), P.O. Box 4210, Helena MT 59604-4210.

(2) There is no asset test to be eligible for a loan of specialized telecommunications equipment.

Authorizing statute(s): 53-19-305, 53-19-307, MCA

Implementing statute(s): 53-19-305, 53-19-307, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing an amendment to ARM 37.36.604 to align the requirements for Montana Accessible Communications (MTAC) with the 2025 United States Department of Health and Human Services (HHS) federal poverty level (FPL) index guidelines.

The following describes the purpose and necessity of the proposed rule amendment pertaining to this rule:

ARM 37.36.604
The department is proposing to amend ARM 37.36.604, pertaining to MTAC financial eligibility criteria. The proposed rule sets forth that an individual is eligible for a loan of specialized telecommunications equipment if the individual's annual family income during the 12 months immediately preceding the month of application does not exceed 250% of the United States Department of Health and Human Services (HHS) poverty guidelines for households.

This proposed amendment updates the rule to adopt the 2025 poverty guidelines published by HHS, instead of the 2023 poverty guidelines published by HHS, which this rule currently adopts. The reason for the proposed amendment to adopt the 2025 poverty guidelines published by HHS is to ensure that the annual income necessary to be eligible for a loan of specialized telecommunications equipment is up to date with the current poverty guidelines published by HHS and to appropriately increase access to eligible persons.

During the public comment period, the proposed rates are on the MTAC website as "proposed," until approved and adopted.

Additionally, the link to a copy of the poverty guidelines published by HHS is proposed to be amended to provide a correction to the new, appropriate link.

Small Business Impact

Pursuant to 2-4-111(1)(a), MCA, the department has determined that the rule changes proposed in this notice will not create a significant and direct impact upon small businesses.

Pursuant to 2-4-111(1)(b), MCA, the department has determined that the proposed amendment will slightly increase the number of people eligible for a loan of specialized telecommunications equipment based on income. By the department's estimate, the proposed amendment could entitle four more individuals for a loan of specialized telecommunications equipment based on income.

Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be emailed, mailed, or otherwise delivered to the contact person above.

Rule Reviewer

Olivia Schuler

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-129.1

Summary

Amendment of ARM 37.34.3005 pertaining to the Developmental Disabilities Program Rates and Billing Manual

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Hearing Date and Time

Tuesday, December 2, 2025, at 9:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: https://mt-gov.zoom.us/j/82367223847?pwd=8azq7MYO0OvQ7bm9411e0MQlFt6Yu0.1

Meeting ID: 823 6722 3847 Password: 545865

Dial by Telephone: +1 646 558 8656

Meeting ID: 823 6722 3847 Password: 545865

Find your local number: https://mt-gov.zoom.us/u/kl5o6HdN

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, November 18, 2025, at 5:00 p.m.

Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

37.34.3005 REIMBURSEMENT FOR SERVICES OF MEDICAID FUNDED DEVELOPMENTAL DISABILITIES HOME AND COMMUNITY-BASED SERVICES (HCBS) WAIVER PROGRAMS

(1) Reimbursement through the Developmental Disabilities Program's (DDP) Medicaid Home and Community-Based Services Waiver Programs is only available to a provider for services or items:

(a) delivered in accordance with the requirements and limitations of ARM 37.34.3001;

(b) delivered in accordance with the terms and conditions of the formal approval by the Centers for Medicare & Medicaid (CMS) governing each waiver program; and

(c) authorized in accordance with ARM 37.34.3002 for reimbursement through the person's individual cost plan (ICP).

(2) The department adopts and incorporates by this reference the rates of reimbursement and the delivery of services and items available through each Home and Community-Based Services Waiver Program as specified in the Montana Developmental Disabilities Program Rates and Billing Manual, effective ~~July 1, 2024~~ July 1, 2025. A copy of the manual may be obtained through the Department of Public Health and Human Services, Behavioral Health and Developmental Disabilities Division, Developmental Disabilities Program, 111 N. Sanders, P.O. Box

4210, Helena, MT 59604-4210 and at
~~https://dphhs.mt.gov/bhdd/DisabilityServices/developmentaldisabilities/ddpratesinf.~~
https://dphhs.mt.gov/BHDD/DisabilityServices/developmentaldisabilities/ddpratesinf.

Authorizing statute(s): 53-2-201, 53-6-402, MCA

Implementing statute(s): 53-2-201, 53-6-402, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.34.3005 pertaining to the reimbursement rates in the Developmental Disabilities Program Rates and Billing Manual and updating the effective date to July 1, 2025.

Pursuant to 53-6-113, MCA, the Montana Legislature has directed the department to use the administrative rulemaking process to establish rates of reimbursement for covered medical services provided to Medicaid members by Medicaid providers. The department proposes these rule amendments to establish Medicaid rates of reimbursement. In establishing the proposed rates, the department considered as primary factors the availability of funds appropriated by the Montana Legislature during the 2025 regular legislative session, the actual cost of services, and the availability of services.

ARM 37.34.3005
The proposed amendment would adopt an updated rates and billing manual to reflect legislatively approved rates in HB 2 with an effective date of July 2025. This amendment would also update the weblink where the rates manual is posted as the current link does not work.

The proposed Developmental Disabilities Program Rates and Billing Manual dated July 1, 2025, can be found at
https://dphhs.mt.gov/bhdd/DisabilityServices/developmentaldisabilities/ddpratesinf.

Fiscal Impact

Developmental Disabilities Waiver Rate increases - The provider rate increases for DD Waiver services are projected to have the following fiscal impact in State Fiscal Year 2026:

SFY 2026 Budget Impact (Federal Funds)	SFY 2026 Budget Impact (State Funds)	SFY 2026 Budget Impact (Total Funds)	Active Provider Count
$3,242,916	$2,020,823	$5,263,738	84

Small Business Impact

Pursuant to 2-4-111, MCA, the class of small businesses affected by the proposed rules are those providing 0208 HCBS Waiver services. The department believes the proposed rule will have a positive impact on small businesses as it incorporates the legislatively approved rates increase. The department does not anticipate any negative impacts.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be emailed, mailed or otherwise delivered to the contact person above.

Effective Date

The department intends to apply these rule amendments retroactively to July 1, 2025. A retroactive application of the proposed rule amendments does not result in a negative impact to any affected party.

Medicaid Performance-Based Statement

Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

Rule Reviewer

Olivia Schuler

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-175.1

Summary

Repeal of ARM 37.104.601, 37.104.604, 37.104.605, 37.104.606, 37.104.610, 37.104.615, and 37.104.616 pertaining to automated external defibrillators

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No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is determined to be 145 persons based on approximately 1,450 entities being registered to use AEDs in Montana.

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, November 21, 2025, at 5:00 p.m.

Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rulemaking Actions

REPEAL

The rules proposed to be repealed are as follows:

37.104.601 DEFINITIONS

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-501, MCA

37.104.604 WRITTEN PLAN

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-501, 50-6-503, MCA

37.104.605 WRITTEN NOTICE

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-502, 50-6-503, MCA

37.104.606 REPORTS

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-502, 50-6-503, MCA

37.104.610 TRAINING

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-502, 50-6-503, MCA

37.104.615 MEDICAL PROTOCOL

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-502, MCA

37.104.616 REQUIREMENTS OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

Authorizing statute(s): 50-6-503, MCA

Implementing statute(s): 50-6-503, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) is proposing repeal of the administrative rules governing Automatic External Defibrillators (AEDs). The proposed repeal of these rules is necessary to implement Senate Bill (SB) 86, which was passed and enacted into law as part of Montana's 2025 legislative session. SB 86 generally revised and updated laws governing AEDs. These statutory changes included the repeal of a grant of rulemaking authority under 50-6-503, MCA, that authorized the department to promulgate administrative rules regulating AEDs. The elimination of this grant of rulemaking authority requires repeal of the AED administrative rules since there is no longer statutory authority for the rules.

Small Business Impact

Pursuant to 2-4-111, MCA, the class of small businesses affected by the proposed repeal of the rules are those small businesses utilizing AEDs. The probable significant and direct effects of the proposed repeal of the AED rules on these small businesses is that they will be able to continue to use AEDs without being subject to unnecessary regulatory requirements.

Bill Sponsor Notification

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor of SB 86 was notified by electronic mail on June 30, 2025.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be emailed, mailed or otherwise delivered to the contact person above.

Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-93.1

Summary

Amendment of ARM 37.40.307 and 37.40.315 pertaining to Medicaid Nursing Facility Rates

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Hearing Date and Time

Monday, December 1, 2025, at 11:00 a.m.

Virtual Hearing Information

Join Zoom Meeting: https://mt-gov.zoom.us/j/81304733358?pwd=RUrbnbD4ci2oSVAmaQ9yQ1QmNbbcDw.1

Meeting ID: 813 0473 3358 Password: 236862

Dial by Telephone: +1 646 558 8656

Meeting ID: 813 0473 3358 Password: 236862

Find your local number: https://mt-gov.zoom.us/u/kDwW7qvak

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, November 17, 2025, at 5:00 p.m.

Contact

Bailey Yuhas
(406) 329-7913
hhsadminrules@mt.gov
Fax: (406) 444-9744

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

37.40.307 NURSING FACILITY REIMBURSEMENT

(1) For nursing facility services provided by nursing facilities located within the state of Montana, the Montana Medicaid program will pay a provider, for each Medicaid patient day, a per-diem rate determined in accordance with this rule, minus the amount of the Medicaid recipient's patient contribution.

(2) Effective July 1, 2020, and in subsequent rate years, the reimbursement rate for each nursing facility will be determined using the flat-rate component specified in (2)(a) and the quality component specified in (2)(b).

(a) The flat-rate component is the same per-diem rate for each nursing facility and will be determined each year through a public process. Factors that could be considered in the establishment of this flat-rate component include the cost of providing nursing facility services and Medicaid recipient access to nursing facility services. The flat-rate component for state fiscal year (SFY) ~~2025~~ 2026 is ~~$278.75~~ $287.11.

(b) The quality component of each nursing facility's rate is based on the five-star rating system for nursing facility services, calculated by the Centers for Medicare & Medicaid Services (CMS). It is set for each facility based on its average five-star ratings for staffing and for quality. Facilities with an average rating of three to five stars will receive a quality-component payment. The funding for the quality-component payment will be divided by the total

estimated Medicaid bed days to determine the quality component per Medicaid bed day. The quality component per bed day is then adjusted based on each facility's five-star average of staffing and quality-component scores. A facility with a five-star average of staffing and quality component scores will receive 100% of the quality-component payment, a four-star average will receive 75%, a three-star average will receive 50%, and one- and two-star average facilities will receive 0%. Funds unused by the first allocation round will be reallocated based on the facility's percentage of unused allocation against the available funds.

(c) The total payment rate available for the period July 1, ~~2024~~ 2025, through June 30, ~~2025~~ 2026, will be the rate as computed in (2), plus any additional amount computed in ARM 37.40.311 and 37.40.361. Copies of the department's current nursing facility Medicaid reimbursement rates per facility are posted at https://medicaidprovider.mt.gov/26, or may be obtained from the Department of Public Health and Human Services, Senior and Long Term Care Division, P.O. Box 4210, Helena, MT 59604-4210.

(3) Providers who, as of July 1 of the rate year, have not filed with the department a cost report covering a period of at least six months' participation in the Medicaid program in a newly constructed facility will have a rate set at the flat rate component as computed on July 1, ~~2024~~ 2025. Following a change in provider as defined in ARM 37.40.325, the per diem rate for the new provider will be set at the previous provider's rate, as if no change in provider had occurred.

(4) For nursing facility services provided by nursing facilities located outside the state of Montana, the Montana Medicaid program will pay a provider only as provided in ARM 37.40.337.

(5) The Montana Medicaid program will not pay any provider for items billable to residents under the provisions of ARM 37.40.331.

(6) Reimbursement for Medicare coinsurance days will be as follows:

(a) for dually eligible Medicaid and Medicare individuals, reimbursement is limited to the per-diem rate, as determined under (1) or ARM 37.40.336, or the Medicare co-insurance rate, whichever is lower, minus the Medicaid recipient's patient contribution; and

(b) for individuals whose Medicare buy-in premium is being paid under the qualified Medicare beneficiary (QMB) program under ARM 37.83.201, but are not otherwise Medicaid eligible, payment will be made only under the QMB program at the Medicare coinsurance rate.

(7) The department will not make any nursing facility per-diem or other reimbursement payments for any patient day for which a resident is not admitted to a facility bed

that is licensed and certified as provided in ARM 37.40.306 as a nursing facility or skilled nursing facility bed.

(8) The department will not reimburse a nursing facility for any patient day for which another nursing facility is holding a bed under the provisions of ARM 37.40.338(1), unless the nursing facility seeking such payment has, prior to admission, notified the facility holding a bed that the resident has been admitted to another nursing facility. The nursing facility seeking such payment must maintain written documentation of such notification.

(9) Providers must bill for all services and supplies in accordance with the provisions of ARM 37.85.406. The department's fiscal agent will pay a provider the amount determined under these rules upon receipt of an appropriate billing, which reports the number of patient days of nursing facility services provided to authorized Medicaid recipients during the billing period.

(a) Authorized Medicaid recipients are those residents determined eligible for Medicaid and authorized for nursing facility services as a result of the screening process described in ARM 37.40.101, 37.40.105, 37.40.106, 37.40.110, 37.40.120, and 37.40.201, et seq.

(10) Payments provided under this rule are subject to all limitations and cost settlement provisions specified in applicable laws, regulations, rules, and policies. All payments or rights to payments under this rule are subject to recovery or nonpayment, as specifically provided in these rules.

Authorizing statute(s): 53-2-201, 53-6-113, MCA

Implementing statute(s): 53-6-101, 53-6-111, 53-6-113, MCA

37.40.315 STAFFING AND REPORTING REQUIREMENTS

(1) Providers must provide:

(a) staffing at levels ~~which~~ that are adequate to meet federal law, regulations, and requirements; and

(b) staffing, quality, and performance information on the online Monthly Nursing Facility Report, which includes information on occupancy, staffing, demand for services, employee training, and employee longevity.

(2) Each provider must submit to the department within 15 days following the end of each calendar month a complete and accurate Monthly Nursing Facility Report, prepared in accordance with all applicable department rules and instructions.

(a) If the department does not receive complete and accurate reports within 15 days following the end of each calendar month, the department may withhold all payments for nursing facility services until the provider complies with the reporting requirements in (2).

~~(b) If the provider excludes the quality and performance data from their Monthly Nursing Facility Report submission, they forfeit the provider rate increase for the fiscal year ending June 30, 2025, until such time the quality and performance data is received.~~

(3) Each provider must submit a summary of the annual resident/family satisfaction survey by January 15, for the previous year. If the summary of annual resident/family satisfaction survey is not received by January 15, the department may ~~reduce the per-diem to the prior year's base rate until it is submitted~~ withhold all payments for nursing facility services until the survey is submitted.

Authorizing statute(s): 53-6-113, MCA

Implementing statute(s): 53-2-201, 53-6-101, 53-6-108, 53-6-111, 53-6-113, MCA

General Reasonable Necessity Statement

The Department of Public Health and Human Services (department) proposes to amend ARM 37.40.307 and 37.40.315 pertaining to nursing facility reimbursement and reporting requirements.

These proposed amendments update Medicaid nursing facility rates for state fiscal year (SFY) 2026 and requirements related to reporting.

ARM 37.40.307

The proposed amendments set the flat rate component for Medicaid nursing facility reimbursement at $287.11 for SFY 2026, which equates to a 3.00% rate increase from SFY 2025. The rate calculation includes House Bill 2 funding appropriated by the Montana Legislature during the 2025 Legislative Session and annualized SFY 2025 Medicaid paid days to determine nursing facility providers' reimbursement methodology outlined under (2) of the rule. In balancing the factors that may be considered under 53-6-113, MCA, and ARM 37.40.307(2) to establish the rate, the department's primary consideration was availability of appropriated funds and availability of services.

Copies of the department's proposed nursing facility Medicaid reimbursement rates are located at: https://medicaidprovider.mt.gov/proposedfs.

The proposed amendments are necessary for the department to provide notice of the change to Medicaid nursing facility provider rates.

ARM 37.40.315

The department is proposing to revise and simplify this rule by removing language under (2)(b) that is redundant to language in (2)(a) requiring quality and performance data to be provided as part of submitting a complete and accurate Monthly Nursing Facility Report. The department is also proposing to revise (3) to provide for consistency in the action that may be taken by the department when a provider fails to report data required under the rule.

Fiscal Impact

The estimated total cost of the proposed rate increase is approximately $5,194,100 for SFY 2026. These amounts do not include at risk provider funds or direct care-wage funding.

The estimated total funding available for SFY 2026 for nursing facility reimbursement is estimated at approximately $173,136,662 of combined state funds, federal funds, and patient contributions.

The proposed rulemaking will impact approximately 2,269 Medicaid members and 57 nursing facility providers.

Small Business Impact

Pursuant to 2-4-111, MCA, the class of small businesses affected by the proposed rulemaking are those operating skilled nursing facilities that are enrolled as Medicaid providers. The probable and significant direct effects on these small businesses are that they will receive an increased rate of reimbursement for Medicaid nursing facility services that are provided.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive

notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be emailed, mailed or otherwise delivered to the contact person above.

Effective Date

The department intends to apply the proposed rate increase under ARM 37.40.307 retroactively to July 1, 2025. All other proposed amendments are intended to be effective the day after the date of publication of the adoption notice.

Medicaid Performance-Based Statement

Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-430.1

Summary

Adoption of NEW RULES 1 through 4 to Implement Property Tax Relief Legislation Enacted by the 69th Montana Legislature

Hearing Date and Time

Monday, December 1, 2025, at 11:00 a.m.

Hearing Information

Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana

Comments

Comments may be submitted using the contact information below. Comments must be received by Monday, December 8, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, November 14, 2025, at 5:00 p.m.

Contact

Todd Olson, Rule Reviewer - Department of Revenue, Legal Services Office
(406) 444-7905
todd.olson@mt.gov

General Reasonable Necessity Statement

The 69th Montana Legislature enacted two pieces of property tax relief legislation – House Bill 231 (HB 231) and Senate Bill 542 (SB 542) (the bills). The bills enact significant revisions to Montana property tax law, including:

- property tax rebates for principal residences based on tax year 2024
- reductions in class three agricultural property tax rates
- temporary and permanent reductions in class four residential property tax rates for certain owner-occupied residences and long-term rentals
- eligibility and application requirements for property owners to receive the reduced property tax rate(s), together with detailed application, eligibility, and appeal procedures

Based on the above-described legislative changes, it is necessary for the department to propose NEW RULES 1 through 4 to implement the plain intent of the bills through an administrative framework that addresses the department's application process, eligibility determinations, calculation methods for applying effective tax rates (ETR), property owner appeal rights, and program compliance.

While this general statement of reasonable necessity covers the basis for the proposed rule amendments, it is supplemented below to explain rule-specific proposals.

Rulemaking Actions

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 DEFINITIONS

The following definitions apply to this subchapter:

(1) "Commercial rate" means the same as the commercial property tax rate provided in 15-6-134(3)(d), MCA.

(2) “ETR,” for the purposes of administering the reduced tax rates, means the effective tax rate for a qualifying property which the department determines through the process described in [NEW RULE 4].

(3) “Homestead rate” means the same as the homestead reduced tax rate provided in 15-6-402, MCA.

(4) “Multifamily dwelling unit,” for the purposes of administering the rental rate for qualifying multifamily dwelling units provided in 15-6-134(3)(b)(ii), MCA, means two or more separate living spaces within a single building or group of buildings located on the same parcel and under one ownership; and includes the value of both the land and improvements. The term does not include separate living spaces within the same building or group of buildings when the separate living spaces are owned by separate individuals.

(5) “Normal rate” means the same as the class four residential property tax rate provided in 15-6-134(3)(a), MCA.

(6) “Owner” means the same as the term provided in 15-6-402, MCA.

(7) “Reduced tax rates” means the homestead rate and rental rate which are collectively referenced for brevity in these rules.

(8) “Rental rate” means the same as the rental property reduced tax rate provided in 15-6-402, MCA. Rental rate may also be used, where applicable, to describe either:

(a) the multifamily dwelling unit rental rate provided in 15-6-134(3)(b)(ii), MCA (“multifamily rental rate”); or

(b) the single-family dwelling rental rate described in 15-6-134(3)(b)(i), MCA (“single-family rental rate”).

(9) “Secondary dwelling unit,” for the purposes of administering the reduced tax rates, means a single-family residential dwelling unit that is not a principal residence of the owner but is located on the same parcel of land as a principal residence. A secondary dwelling unit includes accessory dwelling units (ADUs) and may include other non-principal dwelling units, as determined by the department, regardless of its name or description.

Authorizing statute(s): 15-1-201, 15-6-425, MCA

Implementing statute(s): 15-1-201, 15-6-134, 15-6-402, 15-6-405, 15-6-411, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to adopt NEW RULE 1 to adopt definitions for terminology established in, or as an

extension of, the department's implementation of the bills. Definitions of "homestead rate" and "rental rate" are proposed to provide an abbreviated form of the lengthier statutory term without diminishing the original reference, which will generally improve readability of the rules. Rental rate also includes two distinct subsets of long-term rentals which are necessary to define/reference: the multifamily rental rate and single-family rental rate.

Definitions of "commercial rate," "ETR," "normal rate," "reduced tax rates," and "secondary dwelling unit" are proposed to allow for brevity through generalized statement(s) of applicability and to improve readability of the rules.

The proposed definition for "multifamily dwelling unit" is necessary because the bills include multifamily dwellings as a property type that qualifies for the reduced tax rates, but there are different combinations/types of multifamily dwelling units that require qualification through definition for the department to apply the appropriate reduced tax rates to each type of multifamily dwelling units.

NEW RULE 2 REDUCED TAX RATE APPLICATION PROCESS; DETERMINATIONS; APPEAL RIGHTS; AND PROGRAM COMPLIANCE

(1) An owner must apply to the department in accordance with, and subject to the eligibility requirements of 15-6-405 or 15-6-411, MCA, as applicable, and this rule to receive the reduced tax rates.

(2) The department will accept applications for the reduced tax rates, in the form provided by the department, through U.S. mail or electronically. The application is available through the department's regional offices or through the department's website at homestead.mt.gov.

(a) Mailed applications must be postmarked by March 1 of the year the reduced tax rates are claimed, and electronic applications must be submitted by 11:59:59 p.m. on March 1 of the year the reduced tax rates are claimed. Mailed applications postmarked after March 1 and electronic applications submitted after March 1 will be processed for the following year.

(b) The department may waive the application deadline in (a) when extenuating circumstances exist that meet the criteria in 15-6-418, MCA. Examples of extenuating circumstances include natural disaster, hospitalization, physical illness, or infirmity. The department must document its justification for a deadline waiver.

(3) Temporary absences that affect occupancy of a principal residence such as admission to a hospital, nursing home, or similar facility for short-term medical or non-medical reasons, military deployments, or work assignments, do not change an owner's principal residence for the purposes of the homestead rate.

(4) An applicant for reduced tax rates must provide the information in 15-6-405 or 15-6-411, MCA, as applicable, and any other information required by the department that is relevant to the applicant's eligibility.

(5) In accordance with 15-6-411, MCA, the department may:

(a) investigate the information provided in an application and an applicant's continued eligibility; and

(b) request an applicant to submit a new application or provide documentation to verify occupancy of their principal residence or property's use as a long-term rental.

(6) An owner of a principal residence that has qualified for the homestead rate must notify the department, in writing through U.S. mail or electronically, within 30 days if any of the following events occurs:

(a) there is a change in ownership of the property;

(b) the owner no longer uses the dwelling as a principal residence; or

(c) the owner applies for a homestead reduced tax rate for a different principal residence.

(7) An owner of a long-term rental property that has qualified for the rental rate must notify the department, in writing through U.S. mail or electronically, within 30 days if any of the following events occurs:

(a) there is a change in ownership of the property;

(b) the property is no longer rented to tenants as a dwelling; or

(c) the terms of the lease change and the property no longer qualifies as a long-term rental.

Authorizing statute(s): 15-1-201, 15-6-425, MCA

Implementing statute(s): 15-1-201, 15-6-134, 15-6-402, 15-6-405, 15-6-411, 15-6-415, 15-6-418, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to adopt NEW RULE 2 to include the following provisions:

- A detailed title for the rule to detail the rule's application, determination, and compliance requirements.

- Section (1) to incorporate eligibility requirements used in statute or rule regarding the reduced tax rates.
- Section (2) to provide clear guidance for property owners of application due dates and the circumstances through which the department may waive an application deadline. The department has adopted this format in other rules (see ARM 42.19.401 and 42.19.407 (2023)) which has been well received, and its inclusion here is appropriate.
- Section (3) as a necessary cross-reference to 15-6-418, MCA, to implement the bill's hardship or extenuating circumstances for the department to waive an application deadline.
- Section (4) to provide minor, but necessary, eligibility guidance for property owners in the administration of the homestead rate. The department has adopted this guidance in other rules which has been well received, and its inclusion here is appropriate.
- Section (5) to disclose and describe the department's general authority for program compliance granted to it under the bills. Since the application and program are new and aspects are somewhat prospective, the department believes the general statements of compliance under the law are sufficient.
- Sections (6) and (7) to incorporate necessary reporting requirements for an owner when any of the events that impact qualification for a reduced tax rate, as stated in 15-6-405(2)(c) or 15-6-406(2)(d), MCA, occurs.

NEW RULE 3 ADMINISTRATION OF REDUCED TAX RATES

(1) A qualifying property whose owner has applied for, and been granted, a homestead rate or rental rate will receive the respective reduced tax rate through an application of an ETR to the appraised market value of the property as determined by the process in [NEW RULE 4].

(2) A qualifying property that receives a homestead rate, contains a single residential dwelling, and is used exclusively as a principal residence, will have the reduced tax rate applied to the entire market value of the property - including the land and all improvements situated upon the land.

(3) Except as provided in (4), the homestead rate does not apply to separately described or assessed parcels of land that do not support the principal residential improvements regardless of whether those parcels are contiguous with or adjacent to the principal residence.

(4) If the principal residence is a mobile home or manufactured home that is assessed separately from the land, the mobile home or manufactured home and the land may qualify for the homestead rate if both are owned by the applicant. If the land is not owned by the applicant, the reduced tax rate applies only to the mobile home or manufactured home.

(5) A qualifying property that receives a homestead rate and contains one or more secondary dwelling units will have the reduced rate applied as follows, based upon the use of the secondary dwelling units:

(a) If the secondary dwelling units are used as long-term rentals and the owner submits a completed rental rate application for the secondary dwelling units that is approved, the entire property value will receive one reduced tax rate.

Informational Example: The property contains a principal residence and a secondary dwelling unit that is used as a long-term rental. The homestead rate and rental rate are both approved. The entire property value will receive one reduced rate.

Total Property Value: $600,000
Land: $100,000
Principal Residence: $350,000
Secondary Dwelling Unit - Long-term rental: $150,000
Total Property Value: $600,000 x Homestead/Single-family Rental Rate

(b) If the secondary dwelling units are also used as a principal residence by an additional owner, and the additional owner also submits a completed application for a homestead rate that is approved, the entire property value will receive one reduced tax rate.

Informational Example: The property contains two separate houses and is jointly owned by two brothers, each residing in one as his principal residence. Both brothers apply for a homestead reduced rate and are approved. The entire property value will receive one homestead rate.

Total Property Value: $600,000
Land: $100,000
First Principal Residence: $350,000
Second Principal Residence: $150,000
Total Property Value: $600,000 x Homestead Rate

(c) If the secondary dwelling units do not qualify as a principal residence or long-term rental, then the portion of value attributable to the secondary dwelling units will be taxed at the rate provided in 15-6-134(3)(a), MCA.

Informational Example: The property contains a principal residence and a secondary dwelling unit that is used as a guest house and short-term rental. The owner applies for a homestead rate and is approved. The value of the land and principal residence will receive the homestead rate. The improvement value associated with the secondary dwelling unit will receive the normal rate.

Total Property Value: $600,000
Land: $100,000
Principal Residence: $350,000
Secondary Dwelling Unit – Short-term Rental/Guest House: $150,000
Land + Principal Residence = $450,000 x Homestead Rate
Secondary Dwelling Unit – Short-Term Rental = $150,000 x Normal Rate

(6) A qualifying property that receives a homestead rate and is a unit of a multifamily dwelling unit will have the reduced tax rate applied as follows:

(a) The rate will apply to the portion of the property value attributable to the principal residence expressed as a percentage of the overall property value of the total number of dwelling units.

(b) The remaining portion of the property value from (a) will be taxed on the use of the remaining multifamily dwelling units as follows:

(i) If one or more of the remaining multifamily dwelling units are also used as a principal residence for an additional owner of the property, and the additional owner submits a completed homestead rate application that is approved, the portion of value attributable to those remaining dwelling units will also receive the reduced tax rate that will be applied to the total value of the property.

Informational Example: The property contains a duplex and is owned by two brothers who each reside in one of the units as their principal residence. Both brothers apply to receive the homestead rate for their respective units and are approved. The entire property value will receive one homestead rate.

Total Property Value: $600,000
Land: $100,000
Principal Residences: $500,000
Total Property Value = $600,000 x Homestead Rate

(ii) If one or more of the remaining multifamily dwelling units are used as long-term rentals and the owner submits a completed rental rate application that is approved, then the portion of value attributable to those remaining dwelling units will be taxed at the rate provided in 15-6-134(3)(b)(ii), MCA.

Informational Example: The property is a fourplex: one unit is owner-occupied as the principal residence, and the remaining three units are used as long-term rentals. The owner applies for a homestead rate for the principal residence unit and also applies for a rental rate on the three long-term

rentals, and all are approved. The homestead rate will be applied to 25 percent of the property value associated with the principal residence and the multifamily rental rate will be applied to 75 percent of the total property value associated with the three long-term rentals.

Total Property Value: $800,000
Land: $100,000
Improvements: $700,000
Principal Residence Unit: $800,000 x 25% (1/4) = $200,000 x Homestead Rate
Long-term Rental Units: $800,000 x 75% (3/4) = $600,000 x Multifamily Rental Rate

(iii) If the remaining multifamily dwelling units do not meet the conditions outlined in (i) or (ii), then the portion of value attributable to those remaining dwelling units will be taxed at the rate provided in 15-6-134(3)(a), MCA.

Informational Example: The property is a fourplex: one unit is owner occupied as the principal residence, two units are used as long-term rentals, and one unit is used as a short-term rental. The owner applies for a homestead rate for the principal residence unit and also applies for a rental rate on the two long-term rentals; both are approved. The homestead rate will be applied to 25 percent of the property value (associated with the principal residence), the multifamily rental rate will be applied to 50 percent of the property value (associated with the two long-term rentals), and 25 percent of the property value will receive the normal rate for the short-term rental.

Total Property Value: $800,000
Land: $100,000
Improvements: $700,000
Principal Residence Unit: $800,000 x 25% (1/4) = $200,000 x Homestead Rate
Long-term Rental Units: $800,000 x 50% (2/4) = $400,000 x Multifamily Rental Rate
Short-term Rental Unit: $800,000 x 25% (1/4) = $200,000 x Normal Rate

(7) A property that has been granted a homestead rate and contains a mix of residential and commercial uses will have the homestead rate applied as follows:

(a) The homestead rate will be applied to the portion of the property's value attributable to the principal residence, as determined by 15-6-134(2), MCA.

(b) The remaining portion of property value attributable to the commercial use, as determined in 15-6-134(2), MCA, will be taxed at the rate provided in 15-6-134(3)(d), MCA.

Informational Example: The property has a residential dwelling used as the owner's principal residence and a large commercial shop used for the owner's auto repair business. The highest percentage of the total land value is associated with the auto repair business, so the entire land value is classified as commercial. The owner applies for a homestead rate for the principal residence that is approved. The homestead rate will be applied to the portion of the improvement value attributable to the principal residence. The total land value and portion of the improvement value associated with the auto repair shop will receive the commercial rate.

Total Property Value: $800,000
Land - Commercial: $100,000
Principal Residence Improvements: $300,000
Commercial Improvements: $400,000
$300,000 x Homestead Rate
$100,000 + $400,000 x Commercial Rate

(8) A property that has been granted a rental rate will have the rate applied as follows:

(a) If the property that receives the rental rate contains a single residential dwelling, the total property value, including the land and improvements, will receive the rental rate provided in 15-6-134(3)(b)(i), MCA.

Informational Example: The property contains a single residential dwelling that is used as a long-term rental. The owner applies for a rental rate which is approved. The single-family rental rate will be applied to the entire value of the property.

Total Property Value: $450,000
Land: $100,000
Single-family Dwelling Improvements: $350,000
Total Property Value: $450,000 x Single-family Rental Rate

(b) If the property that receives the rental rate contains a multifamily dwelling, then the rate will be applied as follows:

(i) If all multifamily dwelling units, whether contained in a single structure or multiple structures, qualify for the rental rate, then the entire property value, including the land and improvements, will receive the multifamily rental rate provided in 15-6-134(3)(b)(ii), MCA.

Informational Example: The property contains a fourplex and all four units are used as long-term rentals. The owner applies for a rental rate which is approved. The entire property value will receive the multifamily rental rate.

Total Property Value: $800,000
Land: $100,000
Multifamily Dwelling Improvements: $700,000
Total Property Value: $800,000 x Multifamily Rental Rate

(ii) If only a portion of the dwelling units of a multi-family dwelling unit long-term rental property qualify for the rental rate, only the portion of value attributed to the dwelling units that qualify will receive the reduced tax rate provided for in 15-6-134(3)(b)(ii), MCA. The portion of value attributable to the dwelling units that do not qualify for the rental rate will be taxed at the rate provided in 15-6-134(3)(a), MCA.

Informational Example: The property contains a fourplex: three of the units are used as long-term rentals and one unit is used as a short-term rental. The owner applies for a rental rate on the three long-term rentals which is approved. The multifamily rental rate will be applied to 75 percent of the property value (associated with the three long-term rentals). The normal rate is applied to 25 percent of the property value (associated with the one short-term rental).

Total Property Value: $800,000
Land $100,000
Multifamily Dwelling Improvements: $700,000
$800,000 x 75% (3/4) = $600,000 x Multifamily Rental Rate
$800,000 x 25% (1/4) = $200,000 x Normal Rate

(iii) The portion of value that receives the rental rate is calculated by taking the total property value multiplied by a factor of qualifying dwelling units divided by the total number of dwelling units.

(c) If the property that receives the rental rate contains a mix of residential and commercial uses, the rental rate will be applied as follows:

(i) The rental rate will be applied to the portion of the property's improvement value attributable to the long-term rental and will only apply to the land value if the residential use of the land is the highest percentage of the total value of the land in accordance with 15-6-134(2), MCA.

(ii) A single unit long-term rental will receive the reduced rate provided in 15-6-134(3)(b)(i), MCA.

Informational Example: The property includes a residential dwelling used as a long-term rental and a large commercial shop where the owner runs an auto repair business. The highest percentage of the total land value is associated with the commercial use of the auto repair business, so the entire land value is classified as commercial. The owner applies for the rental rate for the residential dwelling that is approved. The rental rate for single-family dwellings will be applied to the portion of the improvement value attributable to the long-term rental. The total land value and portion of the improvement value associated with the commercial auto repair shop will receive the commercial rate.

Total Property Value: $800,000
Land Value - Commercial: $100,000
Single-family Dwelling Improvement Value: $300,000
Commercial Improvement Value: $400,000
$300,000 x Single-family Rental Rate
$100,000 + $400,000 x Commercial Rate

(iii) Units of a multifamily dwelling long-term rental will receive the reduced rate provided in 15-6-134(3)(b)(ii), MCA.

Informational Example: The property includes a fourplex, with all units used as long-term rentals, and a large commercial shop where the owner runs an auto repair business. The highest percentage of the total land value is associated with the residential use for the long-term rental units, so the entire land value is classified as residential. The owner applies for a rental rate for the fourplex that is approved. The multifamily rental rate will be applied to the entire land value and portion of the improvements value attributable to the long-term rentals. The portion of the improvement value associated with the commercial auto repair shop will receive the commercial rate.

Total Property Value: $800,000
Land Value - Residential: $100,000
Multifamily Dwelling Improvements Value -: $400,000
Commercial Improvements Value: $300,000
$100,000 + $400,000 x Multifamily Rental Rate
$300,000 x Commercial Rate

(iv) The remaining portion of property value attributable to the commercial use, as determined in 15-6-134(2), MCA, will be taxed at the rate provided in 15-6-134(3)(d), MCA.

(9) Any property that has unusual or unique combinations of classifications, characteristics, and uses will be reviewed by the department on a case-by-case basis and the applicable reduced tax rate applied.

Authorizing statute(s): 15-1-201, 15-6-425, MCA

Implementing statute(s): 15-1-201, 15-6-134, 15-6-402, 15-6-405, 15-6-411, 15-6-415, 15-6-418, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes to adopt NEW RULE 3 which is necessary for the department to explain its proposed administration, procedures, and application review criteria in its implementation of the bills so that the owners and property types that are eligible for property tax relief are described to the greatest extent practicable.

Proposed (1) describes the department's approach to calculating either the homestead rate or the long-term rental rate. The rule section also cross references NEW RULE 4 which is necessary since that rule and calculation of an ETR is a core component to determining the correct application of the respective rate(s).

Proposed (2) through (7) are provided as necessary guidance and examples for application of the homestead rate and rental rate to the most common types of class 4 residential property ownership and combinations of uses. Similarly, the department proposes (8) as necessary guidance and examples for application of the rental rate to single-family dwellings, multifamily dwellings, and mixed residential-commercial property ownership and uses.

The department proposes (9) as a means for the department to consider unusual or unique combinations property classifications, characteristics, and uses, not otherwise addressed in the rule.

NEW RULE 4 DETERMINING EFFECTIVE TAX RATES (ETR) FOR QUALIFYING CLASS FOUR PROPERTY

(1) There is a graduated property tax rate reduction for class four property that also qualifies for the reduced tax rates provided in 15-6-134, MCA. For purposes of this rule, the term "qualifying property" or "property" will be used to describe this class four property.

(2) To implement the reduced tax rates described in (1), the department will determine an ETR for each qualifying property. An ETR is determined by calculating the taxable value for each graduated tier of eligible market value and adding the

respective taxable values from each tier to arrive at a total eligible taxable value; then dividing the total eligible taxable value by the total eligible market value of the qualifying property.

(3) If a qualifying property is enrolled in the statutory property tax assistance program (PTAP), a PTAP ETR will be calculated for the portion of the property's PTAP benefit by applying the respective rate reduction multiplier to the tiered tax rates first. Any portion of the property's value not eligible to receive the PTAP benefit will have a separate ETR calculated without any rate reductions applied.

(4) A qualifying property receiving a partial exemption under Montana law will have an ETR calculated for only the non-exempt portion of the property's value.

(5) A qualifying property receiving an abatement (such as a new or expanding industry (NEI) abatement) will have an ETR calculated for it as if it were fully taxable. Any reduction from the abatement will be applied to the overall ETR and used to determine the taxable value for the portion of value eligible to receive the abatement.

(6) The department will compute all ETR percentages out to the third decimal place, but the final rate will be rounded to two decimal places to achieve consistency with all statutory and rule expressions of tax rates and historical practice.

(a) If the third decimal place is fewer than five, the second decimal place will be kept;

(b) If the third decimal place is equal to or greater than five, the second decimal place will round up.

(7) A rounded ETR will be applied against the market value for each qualifying property to calculate the property's taxable value.

(8) The following are examples of the ETR calculation and rounding processes described in this rule:

(a) A qualifying residential property has a market value of $750,000. A graduated tax rate of .76% applies to the first $378,000 of market value and a graduated tax rate of .9% applies to the remaining $372,000.

Taxable Value = ($378,000 * 0.0076) = $2,873

Taxable Value = ($372,000 * 0.009) = $3,348

Total Taxable Value = $2,873 + $3,348 = $6,221

ETR = Total Taxable Value / Total Market Value

ETR = $6,221 / $750,000 = .829%

Rounded ETR = .83%

(b) A qualifying commercial property has a market value of $3,000,000. A graduated tax rate of 1.5% applies to the first $2,274,000 of market value and a graduated tax rate of 1.9% applies to the remaining $726,000.

Taxable Value = ($2,274,000 * 0.015) = $34,110

Taxable Value = ($726,000 * 0.019) = $13,794

Total Taxable Value = $34,110 + $13,794 = $47,904

ETR = Total Taxable Value / Total Market Value

ETR = $47,904 / $3,000,000 = 1.596%

Rounded ETR = 1.6%

(c) A qualifying residential property receives the PTAP benefit at an 80% reduction and is valued at $618,000. The first $418,000 in value is eligible to receive the 80% reduction for PTAP.

Taxable Value = (.76% * .2) = (.15% * $378,000) = $567

Taxable Value = (.9% * .2) = (.18% * $40,000) = $72

PTAP Taxable Value = 567 + 72 = 639

PTAP Effective Tax Rate = 655 / $418,000 = .152%

Rounded Effective Tax Rate for PTAP Value = .15%

Taxable Value = (.9% * $200,000) = $1,800

Effective Tax Rate for Non-PTAP Value = .9%

(d) A qualifying commercial property has a market value of $4,000,000 and is receiving a partial nonprofit healthcare exemption on $1,000,000 of property value. The $1,000,000 in value that is exempt will be subtracted from the total value of $4,000,000, leaving $3,000,000 in taxable market value. A graduated tax rate of 1.5% applies to the first $2,274,000 of taxable market value and a graduated tax rate of 1.9% applies to the remaining $726,000.

Taxable Value = ($2,274,000 * 0.015) = $34,110

Taxable Value = ($726,000 * 0.019) = $13,794

Total Taxable Value = $34,110 + $13,794 = $47,904

ETR = Total Taxable Value / Total Market Value

ETR = $47,904 / $3,000,000 = 1.596%

Rounded ETR = 1.6%

(e) A qualifying commercial property has a market value of $3,000,000 and is receiving a 50% NEI abatement on $1,000,000 of market value. A graduated tax rate of 1.5% applies to the first $2,274,000 of market value and a graduated tax rate of 1.9% applies to the remaining $726,000 to calculate an overall ETR. The NEI abatement reduction is then applied to the overall ETR for the $1,000,000 in market value receiving the abatement.

Taxable Value = ($2,274,000 * 0.015) = $34,110

Taxable Value = ($726,000 * 0.019) = $13,794

Total Taxable Value = $34,110 + $13,794 = $47,904

ETR = Total Taxable Value / Total Market Value

ETR = $47,904 / $3,000,000 = 1.596%

Rounded ETR = 1.6%

NEI Abatement (1.6% * 50% = .8%)

Abated Taxable Value = ($1,000,000 * .008) = $8,000

Non-Abated Taxable Value = ($2,000,000 * .016) = $32,000

Authorizing statute(s): 15-1-201, 15-6-425, MCA

Implementing statute(s): 15-1-201, 15-6-134, 15-6-402, 15-6-405, 15-6-411, 15-6-415, MCA

Reasonable Necessity Statement

In addition to the department's general statement of reasonable necessity, the department proposes NEW RULE 4 as necessary guidance to illustrate how the graduated tax rates in 15-6-134, MCA, as amended by SB 542, are applied to class four residential property and multifamily dwelling units which also qualify for the homestead rate, and also for the rental rate.

Section (1) informs taxpayers of the existence of the graduated rate, in addition to the reduced tax rates under SB 542.

Section (2) explains the department’s proposed determination of an effective tax rate (ETR) for each qualifying property by calculating the taxable value for each graduated tier of eligible market value and adding the respective taxable values from each tier to arrive at a total eligible taxable value; then dividing the total eligible taxable value by the total eligible market value of the qualifying property. Without an ETR, the department cannot apply the correct amount of tax reduction that a property is entitled to under the graduated rate table in 15-6-134(3), MCA.

The department proposes (3) through (5) because Montana law provides other statutory relief from taxation such as the Property Tax Assistance Program (PTAP), property tax exemptions,

and property tax abatements; and SB 542 does not exclude these properties from receiving the reduced tax rates in addition to the assistance, exemption, or abatement. Section (3) addresses how the PTAP rate reduction multiplier is first applied to arrive at a PTAP ETR, then the remaining non-PTAP portion of a property's market value receives its ETR and application of the graduated rate. Section (4) confirms exempt property valuation protocols that an ETR is calculated for only the non-exempt portion of the property's value prior to the process described in (2). And similar to (3) and (4), the department proposes (5) to confirm that properties receiving an abatement of tax will have an ETR calculated as if the property were fully taxable, and then apply the requisite abatement.

The department proposes (6) and (7) for the rule to conform to statutory and rule expressions of tax rates and historical practice because a two decimal calculation of tax rate becomes difficult to administer equitably as the market value of property increases. Stated differently, rounding percentages of tax rates, either up or down, for a property valued at $750,000 is less significant than for a property valued at $7.5 million. The proposed rounding procedure is consistent with that of many taxing jurisdictions across tax types and its inclusion here is appropriate.

Lastly, the department proposes (8) which continues the department's long-standing practice of including guidance, in the form of examples, of more complex tax types in their most common applications. The property types and uses described in the subsections – and the ETR calculation and rounding processes - address a vast majority of taxpayer scenarios.

Small Business Impact

With regard to the small business impact analysis requirements of 2-4-111, MCA, as amended by HB 592 (2025), the department has analyzed the proposed rule adoptions and the groups or class of businesses directly affected by this rulemaking if they meet the definition of a small business under 2-4-102(13), MCA.

The department contends that any small business impact directly related to NEW RULES 1 through 4 does not arise from the proposed rulemaking but through the legislature's enactment of public policy under the bills. Further, the department's property tax records do not track the number of employees these businesses have because it is generally not pertinent to the valuation and taxation of property and asset intensity of industries and companies varies too widely.

Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The primary bill sponsors of House Bill 231 and Senate Bill 542 were contacted by electronic mail on October 16, 2025, and on October 24, 2025. The department received no comments from the bill sponsors to incorporate into the proposal notice.

Interested Persons

The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the contact person in this notice or may be made by completing a request form at any rules hearing held by the Department of Revenue.

Rule Reviewer

Todd Olson

Approval

Scott Mendenhall, Deputy Director of Revenue

MONTANA
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DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-443.1

Summary

The proposed amendment of ARM 42.21.154, 42.21.155, 42.21.158, and 42.22.1311 pertaining to personal property depreciation schedules and trend tables; the department's implementation of House Bill 108 (2025); adjusting residual depreciation for industries; and a proposed revision to the personal property reporting deadline.

Hearing Date and Time

Monday, December 1, 2025, at 10:30 a.m.

Hearing Information

Third Floor Reception Area Conference Room of the Sam W. Mitchell Building, located at 125 North Roberts, Helena, Montana

Comments

Comments may be submitted using the contact information below. Comments must be received by Monday, December 8, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, November 14, 2025, at 5:00 p.m.

Contact

Todd Olson, Rule Reviewer - Department of Revenue, Legal Services Office
(406) 444-7905
todd.olson@mt.gov

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

42.21.154 ANNUAL VALUATION OF PERSONAL PROPERTY

(1) Except as provided in (5) and (7), personal property is valued annually using the cost approach to market value. The market value is determined by multiplying a trended depreciation percentage times the installed original cost of the property. The department has established specific categories of personal property which are provided in ARM 42.21.155.

(2) Taxable supplies, defined in ARM 42.21.160, are valued at 100% of their acquired cost.

(3) Leased or rental equipment that is not exempt under 15-6-202 or 15-6-219, MCA, is taxable and is valued in the same manner as similar non-leased equipment. Property brought into the state that meets the requirements under 15-6-202, MCA, is not taxable unless it is sold or otherwise disposed of in the state.

(4) Rental videos that are not exempt under 15-6-202 or 15-6-219, MCA, are taxable and have a trended percent good of 25% in year one, 15% in year two, and 10% each year thereafter.

(5) Locally assessed television cable system transmission line is valued at $2,000 per mile; service drops are valued at $25 each.

(6) All downhole equipment installed in oil and gas wells, such as sucker rods, tubing, casing, and submersible pumps are exempt from taxation. Downhole equipment not installed in an oil or gas well as of the January 1 assessment date is taxable.

(7) For farm machinery and equipment and heavy equipment, the department will apply the valuation methods in descending order beginning with the method in (a) and proceeding, where necessary, through the method in ~~(d)~~ (c) until a market value can be determined for the equipment.

(a) The market value will be the "average wholesale" or a comparable category of value as shown in the online version of the national agricultural and

implement valuation guide known as Equipment Watch (Equipment Watch), as of September-October of the year prior to the year of assessment. Equipment Watch is adopted and incorporated by reference in accordance with 15-8-111, MCA, and may be reviewed in a department field office or purchased ~~from the publisher: Informa Business Media, Inc., 1166 Avenue of the Americas, 10th Floor, New York, NY 10036~~ through https://www.equipmentwatch.com.

~~(b) If market value cannot be determined under (a), the department will approximate average wholesale value of farm machinery and equipment through application of its Farm Machinery Manual dated January 1, 1998, which the department adopts and incorporates by reference into this rule. The purpose of the Farm Machinery Manual is to function as a resource to approximate average wholesale value of farm machinery and equipment. The Farm Machinery Manual may be reviewed in a department field office or a copy of the Manual may be requested from the Department of Revenue, Property Assessment Division, P.O. Box 8018, Helena, MT 59604-8018.~~

~~(c)~~(b) For all farm machinery and equipment, and heavy equipment that cannot be valued under (a) ~~and (b)~~, the department may determine a trended average wholesale value if an average wholesale value is available for the same make and model with a different year new. The trended average wholesale value will be determined by trending the average wholesale value as found in Equipment Watch, for the same make and model with a different year new.

~~(d)~~(c) If the valuation methods in (a) ~~through (c)~~ and (b) cannot be used, the owner or applicant must certify to the department the year acquired and the acquired price. If the item was acquired through a means other than the open marketplace, the owner must provide a reasonable estimate of the item's value at the time of acquisition. The reported value will be trended and depreciated. If the owner fails to provide this required information or in the department's opinion the information provided does not accurately reflect the item's fair market value, the department may estimate the fair market value of the farm machinery and equipment, or heavy equipment item.

(8) Items of farm machinery and equipment valued below $100 are exempt from taxation.

Authorizing statute(s): 15-1-201, 15-23-108, MCA

Implementing statute(s): 15-6-135, 15-6-138, 15-6-202, 15-6-207, 15-6-213, 15-6-219, 15-8-111, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.21.154 by striking (7)(b) and renumbering (7)(c) and (d), which is necessary to align the rule with House Bill 108 (2025)(HB 108) amendments to 15-8-111, MCA, which removed the requirement for the department to use a supplemental farm machinery manual for equipment valuation.

HB 108 was enacted at the department's request because the farm machinery manual is obsolete in that it no longer captures the true value of contemporary agricultural equipment. The department now has access to agricultural equipment valuation resources that are better than the required manual and are more consistent with the valuation resources of other categories of personal property.

The department also proposes to update the Equipment Watch valuation publication's publisher information in (7)(a) because the physical address changes often, which is a burden for the department to update, but the publisher's website has remained the same for some time.

42.21.155 PERSONAL PROPERTY CATEGORIES AND TRENDED DEPRECIATION METHODOLOGIES

(1) The department has established eight categories of personal property for determination of trend factors and depreciation, and trended depreciation schedules of four, five, ten, fifteen, or twenty years have been assigned for each category based on its type and expected useful lifespan, as provided in (4). The equipment listings in (4) provide representative examples of property in a category and are not meant to be an exhaustive list.

(2) Each trended depreciation schedule contains a residual trended percent good, designated as "older" in the final row of each schedule, which is applied to an item of personal property that exceeds the typical lifespan because personal property remains taxable until its disposal. <u>The department may assign a lower residual trended percent good to reflect functional obsolescence for certain categories of equipment.</u> The purpose of trended depreciation is to bring the cost of equipment acquired in a previous year to an approximate current cost before depreciating it.

(3) Prior to January 1 of each year, the department will use cost index trends for equipment and depreciation percentages for furniture and fixtures from the previous July's edition of Marshall & Swift Valuation Service Guide (Marshall & Swift Guide) to calculate the trend factors and the trended percent good for the schedules in (4). The Marshall & Swift Guide is a widely recognized valuation authority which the department adopts and incorporates by reference. The

Marshall & Swift Guide may be reviewed at the department's central office or purchased ~~from the publisher:~~ through Corelogic~~, 40 Pacifica Street, Suite 900, Irvine, California 92618~~ at https://www.corelogic.com\marshallswift.

(a) The trends from the Marshall & Swift Guide represent industry-wide national average changes in equipment costs - customarily increases - from the base year, 1926. Trends are typically greater than a value of one, but may be less than one.

(b) For trended depreciation schedules, the department calculates the year one trend for each schedule as the average trend of the first three quarters of the current year. The trend for each successive year is the final trend for that year.

(i) Using year one as the base year, the department calculates the changes in equipment costs - the trend factors - for each schedule in (4), as the quotient of the year one trend and any following year's trend.

(ii) The department then uses the depreciation percentages from the Marshall & Swift Guide to calculate the "percent good" over the period of years that is typical for each property category. Trended percent good is then calculated as the product of the percent good and the trend factor for each year represented in a schedule.

(4) The department shall post its trended depreciation schedules for the upcoming tax year for the categories of personal property described below on the department's website located at ~~http://www.mtrevenue.gov~~ https://www.revenue.mt.gov. The department adopts and incorporates by reference its ~~2025~~2026 Personal Property Depreciation Schedules and Trend Tables publication, effective January 1, ~~2025~~ 2026. The Depreciation Schedules and Trend Tables publication contains the detailed schedules and tables the department uses for valuing personal property and industrial machinery and equipment. The personal property categories and trended depreciation methodologies that apply to the Depreciation Schedules and Trend Tables publication are as follows:

(a) Computerized Equipment - a four-year depreciation and a residual percentage will be applied to computerized equipment such as computers, peripheral equipment that cannot function independently of a computer, computerized medical equipment, and gaming machines. The four-year depreciation schedule was developed and implemented after consultation with industry representatives; the trend factors are calculated from the office equipment category of the Marshall & Swift Guide.

(b) Office and Commercial Equipment - a five-year depreciation and a residual percentage will be applied to non-computerized equipment such as office equipment and furnishings, specialized medical equipment, janitorial equipment, coin-operated washers and dryers, beauty and barber shop

equipment, tanning beds, furnishings for hotels, motels, rental apartments, rental homes, nursing home and other care facilities, and locally assessed cable tv dishes. The trend factors are calculated from the office equipment category of the Marshall & Swift Guide.

(c) Furniture, Fixtures, and Miscellaneous Equipment - a ten-year depreciation and a residual percentage will be applied to all other commercial furniture and fixtures such as handheld and non-handheld shop and construction tools and equipment, medical and dental chairs and tables, theater equipment, survey equipment, billboards and signage, garbage bins, coin-operated pool and other game tables, gas pumps, bar and restaurant equipment and furnishings, bowling alleys and equipment, excepting auto-scorers which have a four-year depreciation, photo and developing equipment, mortuary equipment, safes, security systems, port-a-potties, locally assessed cable tv towers, ski lift equipment including aerial lifts, surface lifts, portable lifts and tows including the towers, cables, ropes, sheave assemblies, the conveying devices, power units, and all accessories. The trend factors are calculated from the average-of-all category of the Marshall & Swift Guide.

(d) Seismograph Units and Allied Equipment - a five-year depreciation and a residual percentage will be applied to seismograph units and allied equipment. An 80 percent wholesale factor is used for wheeled seismograph units. The trend factors are calculated from the chemical industry category of the Marshall & Swift Guide.

(e) Oil Drilling, Workover, and Service Rigs - a ten-year depreciation and a residual percentage will be applied to all oil drilling, workover, and service rigs. An 80 percent wholesale factor is applied to self-propelled wheeled workover and service rigs. The trend factors are calculated from the chemical industry category of the Marshall & Swift Guide.

(f) Oil and Gas Field Machinery and Equipment - a fifteen-year depreciation and a residual percentage will be applied to oil and gas field machinery and equipment. The trend factors are calculated from the chemical industry category of the Marshall & Swift Guide.

(g) Farm Machinery and Equipment - a twenty-year depreciation and a residual percentage will be applied to farm machinery and equipment. A 50 percent wholesale factor is applied. The trend factors are calculated from the average-of-all category of the Marshall & Swift Guide.

(h) Heavy Equipment - a twenty-year depreciation and a residual percentage will be applied to heavy equipment. A 50 percent wholesale factor is applied. The trend factors are calculated from the contractor's equipment category of the Marshall & Swift Guide.

Authorizing statute(s): 15-1-201, 15-23-108, MCA

Implementing statute(s): 15-6-135, 15-6-138, 15-6-202, 15-6-207, 15-6-213, 15-6-219, 15-8-111, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.21.155 to update the web-based Personal Property Depreciation Schedules and Trend Tables publication (publication), adopted and incorporated by reference in the rules, to the 2026 version. The publication is updated annually, effective January 1, and is located within the department's website at https://revenue.mt.gov. The 2026 publication reflects changes in personal property and industrial machinery and equipment depreciation and trend factoring data in the department's valuation manuals and guides since last year. Both the 2025 publication and the proposed 2026 publication are available for review.

The department also proposes to amend (2) to address increased functional obsolescence due to changes in technology and economic conditions for equipment used by certain industries. The proposed amendment is in response to taxpayer feedback received by the department.

42.21.158 PERSONAL PROPERTY REPORTING REQUIREMENTS

(1) A taxpayer having property in the state of Montana on January 1 of each tax year, must complete the statement as provided in 15-8-301, MCA, by submitting a completed personal property reporting form.

(2) The statement must provide pertinent information about each item of personal property, including the year acquired, acquired cost, and installation cost. For any items acquired through a means other than the open marketplace, the owner must provide a reasonable estimate of the item's open market value at the time of acquisition. Multiple smaller items acquired in the same year can be reported as a group rather than itemized, such as hand-held tools.

(3) Personal property that is expensed or fully depreciated for other tax or accounting purposes remains taxable for property tax purposes and must be reported.

(4) For the purposes of this rule, the statewide aggregate market value of a taxpayer's personal property includes all property owned, claimed, possessed, controlled, or managed by an individual or business entity, either directly or indirectly through an affiliated entity or family member, unless that property is specifically exempted by law.

(5) As used in this rule, "affiliated entity" means:

(a) a member of a combined group of unitary corporations filing a Montana corporation license tax return;

(b) a member of an affiliated group of corporations filing a U.S. Consolidated Income Tax Return;

(c) any corporation if the individual or business entity directly or indirectly owns more than 50 percent of the stock value or voting power;

(d) any partnership if the individual or business entity directly or indirectly owns more than 50 percent of the capital interest in, or the profits of, the partnership;

(e) a corporation and a partnership if the same persons own:

(i) more than 50 percent in value of the corporation's stock; and

(ii) more than 50 percent of the capital interest in, or the profits of, the partnership;

(f) an S corporation and another S corporation, if the same individuals own more than 50 percent in value of the outstanding stock of each corporation;

(g) an S corporation and a C corporation, if:

(i) the same individuals own more than 50 percent in value of the outstanding stock of each corporation; and

(ii) any trust, if the individual or business entity is the grantor or a beneficiary.

(6) For purposes of applying (4) and (5):

(a) stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust is considered as being owned proportionately by or for its shareholders, partners, or beneficiaries; and

(b) an individual is considered as owning the stock, directly or indirectly, by the individual's spouse or minor child.

(7) As determined by the department, if the statewide aggregate market value of an individual's or business entity's class eight property is less than or equal to the exemption provided in 15-6-138, MCA, the individual's or business entity's class eight property is exempt from taxation. If the aggregate market value of an individual's or business entity's class eight property is greater than the exemption provided in 15-6-138, MCA, the market value of an individual's or business entity's class eight property that is greater than the exemption is subject to taxation.

(8) The department will apply the exemption and the applicable tax rates identified in (a) and (b) to an individual's or business entity's class eight property by adding together the statewide market value of class eight property owned by the individual

or business entity to determine the aggregate market value. If the aggregate market value of class eight property is:

(a) less than or equal to the exemption provided in 15-6-138, MCA, the taxable market value of the property is zero; or

(b) greater than the exemption provided in 15-6-138, MCA, the department will apply the exemption proportionally among each property owned, apply the 1.5 percent taxable rate to the first $6,000,000 in excess of the exemption, and apply the 3 percent taxable rate to the remaining taxable market value.

(9) When the department requires a personal property statement/reporting form as provided in 15-8-301, MCA, the statement/reporting form shall advise the taxpayer that they are subject to penalty under the provisions of 15-1-303 and 15-8-309, MCA, or any other applicable statute, for refusing or neglecting to respond to the department's request for information. The taxpayer's completed personal property statement/reporting form must be returned to the department by electronic submission or postmarked no later than ~~March 1~~ February 15.

(10) A taxpayer's completed statement/reporting form with an electronic date stamp or postmarked after ~~March 1~~ February 15 will be subject to the penalties referenced in (9) unless the taxpayer provides:

(a) evidence of their inability to comply with the timeframes due to hospitalization, physical illness, infirmity, or mental illness; and

(b) evidence that this/these condition(s), while not necessarily continuous, existed at sufficient levels in the period of January 1 to ~~March 1~~ February 15 to prevent timely filing of the reporting form.

(11) Personal property owners whose aggregate class eight market value is less than or equal to the exemption provided in 15-6-138, MCA, as defined in (4), will have no further reporting obligation, except:

(a) if the property owner acquires new personal property, the value of which brings the aggregate market value of the personal property above the exemption provided in 15-6-138, MCA, the taxpayer must notify the department and complete a personal property statement/reporting form for the applicable tax year; or

(b) if the department requests the property owner to complete a personal property statement/reporting form as required by 15-8-301, MCA, or as a result of an audit and review of taxable value authorized by 15-8-104, MCA, and ARM 42.21.159.

(12) New businesses are not required to submit a personal property statement/reporting form if the entity's business equipment is valued at less than

or equal to the exemption provided in 15-6-138, MCA, unless requested by the department in accordance with (11).

(13) Industrial and commercial property taxpayers shall provide documentation of the installed costs of intangible personal property included on the taxpayer's accounting records, or provide other alternative methodologies or information regarding market value for consideration by the department.

Authorizing statute(s): 15-1-201, 15-9-101, MCA

Implementing statute(s): 15-1-121, 15-1-123, 15-1-303, 15-6-138, 15-6-201,15-6-202, 15-6-203, 15-6-206, 15-6-213, 15-6-215, 15-6-217, 15-6-218, 15-6-219, 15-6-220, 15-6-225, 15-6-228, 15-8-104, 15-8-301, 15-8-303, 15-8-309, 15-9-101, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.21.158(9) and (10) to change the annual personal property statement/reporting form due date from March 1 to February 15. The department understands that some taxpayers may view the shortened reporting deadline as an inconvenience, but due to current staffing levels and workloads at the department, department staff do not have adequate time to process the reports for the timely billing of personal property taxes. The department believes this to be a one-time adjustment and proposes the least burdensome adjustment that will allow for the completion of the department's work.

42.22.1311 INDUSTRIAL MACHINERY AND EQUIPMENT TREND FACTORS

(1) Prior to January 1 of each year, the department calculates trend factors to value industrial machinery and equipment for ad valorem tax purposes pursuant to ARM 42.22.1306. The department uses annual cost indexes from the Marshall & Swift Guide described in ARM 42.21.155. The current index is divided by the annual index for each year to arrive at a trending factor. Each major industry has its own trend factor table containing industry descriptions with the applicable trend table number and life expectancy. Where no index exists in the Marshall & Swift Guide for an industry, that industry is grouped with other industries using similar equipment. Industrial machinery and equipment remain taxable at the level of the final year of life expectancy until its disposal.

(2) The department shall post its trend factor tables for industrial machinery and equipment for the upcoming tax year on the department's website located at ~~http://www.mtrevenue.gov~~ https://www.revenue.mt.gov. The department adopts and incorporates by reference its ~~2025~~ 2026 Personal Property Depreciation

Schedules and Trend Tables publication, effective January 1, ~~2025~~ 2026. The Depreciation Schedules and Trend Tables publication contains the detailed schedules and tables the department uses for valuing personal property and industrial machinery and equipment.

(3) Mining machinery and equipment is engaged in the extraction, excavation, burrowing, or otherwise freeing raw material from the earth. Mobile mining equipment moves under its own power or on its own wheels and chassis, including any attachments used with or attached to such equipment, but does not include equipment that requires a foundation for the performance of the function for which it was designed and built. Mobile mining equipment used for extraction is valued by using the procedures established for heavy equipment found in ARM 42.21.154 and 42.21.155.

Authorizing statute(s): 15-1-201, MCA

Implementing statute(s): 15-6-135, 15-6-138, 15-8-111, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 42.22.1311 for the primary reason expressed in the reasonable necessity statement for the proposed amendments to ARM 42.21.155 (update the authority of the web-based Personal Property Depreciation Schedules and Trend Tables publication (publication), adopted and incorporated by reference in the rule, to the 2026 version).

The 2025 and proposed 2026 publication information can be found in the first paragraph of the reasonable necessity statement for ARM 42.21.155.

Small Business Impact

With regard to the small business impact analysis requirements of 2-4-111, MCA, as amended by HB 592 (2025), the department has analyzed the proposed rule amendments and the group or class of businesses directly affected by this rulemaking, and concludes it is possible that small businesses may be impacted if they meet the definition of a small business under 2-4-102(13), MCA. For Tax Year 2025, there are 905 businesses paying property taxes on their class 8 personal property. While the department looked at estimating the number of employees of businesses based on the value of the personal property, any result would be unreliable because the efficiencies and asset intensity of businesses varies too widely.

- The department anticipates that taxpayers may see a nominal increase in personal property taxable value for 2026 based on the following analysis of the trend factors:

- The 5-year average rate of increase in the trend factors for office equipment is 5.67 percent; the 2026 trend increased 2.50 percent.
- The 10-year average rate of increase in the trend factors for miscellaneous furniture and fixtures is 4.05 percent; the 2026 trend increased 2.38 percent.
- The 15-year average rate of increase in the trend factors for oil and gas field equipment is 3.45 percent; the 2026 trend increased 3.44 percent.
- The 30-year average rate of increase in the trend factors for farm machinery and equipment is 2.87 percent; the 2026 trend increased 2.38 percent.
- The 30-year average rate of increase in the trend factors for heavy equipment is 3.87 percent; the 2026 trend increased 2.74 percent.

As to the change in the reporting deadline, the department understands that some taxpayers may view the shortened reporting deadline as impactful, but current staffing levels and workloads at the department are affecting the timely billing of personal property taxes. The department believes the proposal reflects a mitigated approach for additional processing time that will allow for the completion of the department's work.

Bill Sponsor Notification

The primary bill sponsor of House Bill 108 was contacted by electronic mail on October 7, 2025. The department received no comments from the bill sponsor to incorporate into the proposal notice.

Interested Persons

The Department of Revenue maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request, which includes the name and e-mail or mailing address of the person to receive notices and specifies that the person wishes to receive notice regarding particular subject matter or matters. Notices will be sent by e-mail unless a mailing preference is noted in the request. A written request may be mailed or delivered to the contact person in this notice or may be made by completing a request form at any rules hearing held by the Department of Revenue.

Rule Reviewer

Todd Olson

Approval

Scott Mendenhall, Deputy Director of Revenue

MONTANA
ADMINISTRATIVE
REGISTER

CLASSIFICATION REVIEW COMMITTEE

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-192.1

Summary

Amendment of ARM 6.6.8301 pertaining to establishment, deletion, or revision of classifications for various industries for supplementing the NCCI Basic Manual for Workers Compensation and Employers Liability Insurance

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No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is five.

Comments

Concerned persons may submit their data, views, or arguments either orally or in writing to the CR Committee attention of: Veruschka Zachtshinsky, Regulatory Disputes Consultant, NCCI, c/o Regulatory Operations Department, 901 Peninsula Corporate Circle, Boca Raton FL 33487-1362; telephone (561) 893-3820; fax (561) 893-5365; or e-mail veruschka_zachtshinsky@ncci.com.

If persons who are directly affected by the proposed rulemaking wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Veruschka Zachtshinsky at the above address no later than 5:00 p.m. MST, December 5, 2025. Comments must be received by Friday, December 5, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, November 18, 2025, at 5:00 p.m.

Contact

Veruschka Zachtshinsky
(561) 893-3820
veruschka_ zachtshinsky@ncci.com
Fax: (561) 893-5365

General Reasonable Necessity Statement

The Classification Review Committee proposes to amend ARM 6.6.8301 to effectuate amendments to the National Council on Compensation Insurance (NCCI) Basic Manual for Workers Compensation and Employers Liability Insurance.

Item B-1450—NCCI's Basic Manual for Workers Compensation and Employers Liability Insurance introduced a new edition of NCCI's Basic Manual. Since the implementation of Item B-1444, NCCI completed a review of Code 5059 in NCCI's Basic Manual for Montana. This review identified that the phraseology note for Code 5059—Military Reservation—Construction—Iron or Steel Erection—Not Over Two Stories in Height needs to be updated to reflect that this code is not restricted to the construction or repair of buildings designed for the housing and welfare of personnel.

Instead, Code 5059 is assigned to all types of iron or steel erection not over two stories in height performed in connection with the construction or repair of military reservation buildings. This proposed rule does not make any substantive changes to any rule or classification that would result in premium impact.

Item B-1450 revises the treatment for classifications related to hazardous materials remediation services for asbestos, mold, and lead paint in NCCI’s Basic Manual for Workers Compensation and Employers Liability Insurance. It also addresses the classification treatment for employees of construction companies that perform janitorial type services and revises the phraseology for Code 5059 related to military reservation construction.

NCCI's current classification system does not adequately address many of the hazardous material remediation operations. NCCI determined that clarification is needed for the following classifications, which are currently assigned to asbestos, mold, and lead paint remediation operations:

• Code 5472 – Asbestos Removal Operations—Contractor—Pipe and Boiler Work Exclusively & Drivers

• Code 5473 – Asbestos Removal Operations – Contractor – NOC & Drivers

• Code 5474 – Painting NOC & Shop Operations, Drivers

In addition, certain additional codes related to asbestos, mold, and lead paint remediation need to be revised to ensure clarity and consistency between the codes.

Item B-1451 — In recent years, clerical telecommuting work has become an increasingly viable option for employers and their workers. Due to the COVID-19 pandemic, working from home away from the employer's place of business became a necessity for many businesses to continue operating. While some employers are back to in-person operations, some employers are using a fully remote or hybrid work model. In most states, clerical telecommuter employees whose job duties take place in a clerical work area located within the employee's residence are classified to Code 8871-Clerical Telecommuter Employees. NCCI's Basic Manual rules specify that certain conditions must be met in order to qualify for Code 8871.

NCCI has received inquiries related to the classification treatment of clerical employees who telecommute in a state where their employer does not have additional operations. NCCI conducted research and determined that clarifying language should be added to NCCI's Basic Manual rules to specify that the clerical telecommuter employee's workstation may be located in the same state where the employer has operations or in a state where the employer does not have additional operations.

Additionally, NCCI has received inquiries related to the classification treatment for clerical telecommuter employees living in a state where the employer has no additional operations but the business is assigned to a classification that includes "clerical" in the phraseology. NCCI reviewed the current Basic Manual rules and classifications that address clerical telecommuter employees. Various Basic Manual rules support the understanding that it is the business of the employer within a state that is classified and not the individual employments, occupations, or operations of a business.

This item adds language to NCCI's Basic Manual rules to specify that Code 8871 must not be assigned when the basic classification applicable to the business includes "clerical" in the phraseology.

All changes are proposed to be effective January 1, 2026.

For additional details on the filing, see the Montana Workers Compensation Classification Review (CR) Committee Executive Summary and CR Committee materials at:

https://csimt.gov/legal-investigations/public-notices/

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

6.6.8301 ESTABLISHMENT OF CLASSIFICATION FOR COMPENSATION PLAN NO. 2 AND PLAN NO. 3

(1) and (2) remain the same.

Authorizing statute(s): 33-16-1012, MCA

Implementing statute(s): 2-4-103, 33-1-115, 33-16-1012, MCA

Small Business Impact

Item B-1450 — The proposed revisions to NCCI's Basic Manual as a result of this item may result in a decrease, an increase, or no change in employer premium. There is expected to be little movement of payroll and, hence, no large impacts to premium since the updates to the multistate phraseology for each classification is a clarification of when the identified classifications apply on a policy.

Due to the clarifications added to Code 5472, Code 5473, and Code 5474, some payroll may transfer among all three classifications and from Code 5472 and Code 5473 to the appropriate construction classification.

Due to the clarifications added to Code 9014 and Code 9170, some payroll may transfer from Code 9014 and Code 9170 to the governing classification of the business.

Item B-1451 — The changes in classification treatment for clerical telecommuter employees will result in the creation of Code 8871 in Montana. The initial loss cost and rating values of Code 8871 will be equal to the loss cost and rating values of Code 8810 until Code 8871 has enough

experience to be rated on its own. Employers classified to Code 8810 are expected to experience no change in premium due to the transfer of payroll to Code 8871.

No statewide premium impact is expected from the changes proposed in this item.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

Interested Persons

The Classification Review Committee maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this committee. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to Veruschka Zachtshinsky or may be made by completing a request form at any rules hearing held by the committee.

Rule Reviewer

Mark Mattioli, CSI Senior Legal Counsel

Approval

Kevin W. Kittredge, Committee Chair

MONTANA
ADMINISTRATIVE
REGISTER

OFFICE OF THE COMMISSIONER OF POLITICAL PRACTICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-329.2

Summary

Amendment of ARM 44.11.227 pertaining to campaign contribution limits

Previous Notice(s) and Hearing Information

On September 12, 2025, the Commissioner of Political Practices (COPP) published MAR Notice No. 2025-329.1 pertaining to the proposed amendment of the agency's rules in the 2025 Montana Administrative Register, Issue Number 17.

Final Rulemaking Action – Effective November 8, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

44.11.227 LIMITATIONS ON INDIVIDUAL AND POLITICAL PARTY CONTRIBUTIONS TO A CANDIDATE

NOT ADOPTING

The agency has decided not to adopt the following rule as proposed:

44.11.223 AGGREGATE CONTRIBUTION LIMITS FOR WRITE-IN CANDIDATES

Statement of Reasons

The agency has considered comments and testimony received relating to ARM 44.11.227. A summary of the comment received and the agency's response are as follows:

Comment 1: A commenter suggested that COPP provide more clarification as to how total combined contributions apply "per election cycle."

Response 1: COPP thanks the commenter for this suggestion, but notes that the implementing statute, 13-37-216(6), MCA, clearly defines an applicable election to which contribution limits apply.

COPP recognizes that ARM 44.11.223 has been made superfluous by the passage of HB 207. Rather than amending the rule at this time, the agency will consider potentially repealing the rule in its entirety at a later date.

Contact

Scott Cook
(406) 444-2942
cppcompliance@mt.gov

Rule Reviewer

Scott Cook

Approval

Chris J. Gallus, Commissioner of Political Practices

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF COMMERCE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-345.2

Summary

Amendment of ARM 8.111.501, 8.111.502, 8.111.503, 8.111.504, 8.111.505, 8.111.506, and 8.111.507 pertaining to the Housing Montana Fund and Montana Housing Trust - Housing Montana Fund; amendment of ARM 8.111.701, 8.111.702, 8.111.703, 8.111.704, 8.111.705, 8.111.706, and 8.111.707 pertaining to the GO Housing: Montana Veterans' Home Loan Act; and amendment of ARM 8.111.801, 8.111.802, 8.111.803, 8.111.804, 8.111.805, 8.111.806, and 8.111.807 pertaining to the Montana Housing Trust - Multifamily Homes Program

Previous Notice(s) and Hearing Information

On September 26, 2025, the Department of Commerce published MAR Notice No. 2025-345.1 pertaining to the public hearing on the proposed amendment of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 18.

Final Rulemaking Action – Effective November 8, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

8.111.501 PURPOSE OF REGULATIONS

8.111.502 DEFINITIONS

8.111.503 HMF AND MHT-HMF LOAN ELIGIBLE LOAN ACTIVITIES

8.111.504 HMF AND MHT-HMF LOAN APPLICANT ELIGIBILITY

8.111.505 HMF AND MHT-HMF LOAN APPLICATION PROCEDURES

8.111.507 CRITERIA FOR APPROVAL OF HMF OR MHT-HMF LOAN

8.111.701 PURPOSE AND OBJECTIVE

8.111.702 DEFINITIONS

8.111.703 APPLICANT ELIGIBILITY REQUIREMENTS

8.111.704 APPLICATION PROCEDURES

8.111.705 LENDER AND SERVICER REQUIREMENTS AND LIMITS

8.111.706 QUALIFYING PROPERTY

8.111.707 LOAN TERMS AND CONDITIONS

8.111.801 PURPOSE OF REGULATIONS

8.111.802 DEFINITIONS

8.111.803 MHT-MFHP LOAN ELIGIBLE LOAN ACTIVITIES

8.111.804 MHT-MFHP LOAN APPLICANT ELIGIBILITY

8.111.805 MHT-MFHP LOAN APPLICATION PROCEDURES

8.111.806 MHT-MFHP LOAN TERMS AND CONDITIONS

8.111.807 CRITERIA FOR APPROVAL OF MHT-MFHP LOAN

AMEND WITH CHANGES

The agency has amended the following rule with the following changes from the original proposal, stricken matter interlined, new matter underlined:

8.111.506 HMF AND MHT-HMF LOAN TERMS AND CONDITIONS

(1) A HMF or MHT-HMF loan made pursuant to ARM 8.111.503(1)(a) and (c) shall:

(a) provide for complete amortization at maturity through substantially equal monthly payments of principal and interest;

(b) have an amortization period not to exceed 40 years and a term not to exceed 30 years as approved by the board based on the loan amount, other funding sources and obligations, and other relevant factors; and

(c) bear interest at an annual rate as approved by the board.

(2) A HMF and MHT-HMF loan made pursuant to ARM 8.111.503(1)(b) and (e) shall:

(a) have a short term loan;

(b) have affordability restrictions, limitations on resale for use other than as low or moderate income affordable housing, and provide for recapture of the interest savings an applicant received by borrowing from the program rather than at market rates;

(c) bear interest at an annual rate as approved by the board that reflects the short term; and

(d) comply with loan-to-value and other required loan provisions as approved by the board.

(3) A HMF or MHT-HMF loan made pursuant to ARM 8.111.503(1)(d) and (f) shall be subject to terms and conditions, as approved by the board, which shall ensure a reasonable likelihood of repayment.

(4) As a condition of the loan made pursuant to ARM 8.111.503(1)(a) or (c) ~~(1)(b) or (e)~~, the property owner must execute and record a land use restriction agreement or similar covenant running with the land that includes the following:

(a) at least 75% of the project units or lots must be targeted to residents at or below 95% of area median income;

(b) maximum rent requirements and restrictions;

(c) related transfer, compliance, and enforcement restrictions; and

(d) a term of the longer of thirty years or the duration of the loan obligation.

(5) A HMF or MHT-HMF loan must:

(a) be subject to a late fee of 4% of the monthly payment due for each monthly payment that is not made within 15 days of its due date; and

(b) be secured by a lien perfected either by a mortgage or a trust indenture against the real property benefited by the loan.

(6) The board may approve HMF or MHT-HMF loans:

(a) to provide permanent financing, with loan closing and disbursement occurring after completion of construction and three months of stabilized occupancy;

(b) to provide financing prior to completion of construction, when the board determines additional public benefit such as but not limited to the following:

(i) allowing project financial feasibility;

(ii) facilitating bridge financing during the construction phase; or

(iii) providing an increased number of affordable housing units.

(7) As a condition of approving pre-construction or bridge financing, the board may require additional security, risk management measures, and other loan terms. Examples of such conditions include additional collateral, third-party construction, and disbursement monitoring obtained or provided and paid for by the borrower, investor, or other lender.

Authorizing statute(s): 90-6-136, MCA

Implementing statute(s): 90-6-133, 90-6-134, MCA

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

COMMENT NO. 1: A commenter requested the rules consider universal design, visit ability, accessible housing stock, and the crosswalk between funding eligibility for developers, consumers, and citizens. The commenter asked the planning process and construction design phases use ADA universal design, consider inclusive neighborhoods without accommodation deserts, housing in rural and frontier areas and mixed use housing and opportunity zones.

This commenter stated that "we need to ensure that affordability and eligibility does not affect current renters…to remodel buildings or conduct repair."

RESPONSE NO. 1: The Board of Housing thanks the commenter for the comments and concurs that projects funded with HB 924 "GO Housing" funds should be visitable and accessible for Montanans with disabilities. The board proposes to align HB 924 requirements with the Project Accessibility, Project Adaptability, Project Visitable, and Project Livability Requirements contained in its Qualified Allocation Plan. These requirements can be found on pages 65 – 67 (2026-QAP-20241125-Final-Approved.pdf).

The board additionally concurs on the need to coordinate new HB 924 "GO Housing" monies with existing affordable housing resources, including but not limited to Low Income Housing Tax Credits (9% and 4%), Tax-Exempt Multifamily Revenue Bonds, CDBG-Housing, National Housing Trust Fund, the HOME Investment Partnerships Program, and available rental assistance programs (tenant-based and project-based). Board and department staff administering these programs, in collaboration with department leadership and the seven-member board which sets policy direction for all MBOH programs, will continuously identify opportunities for further collaboration and alignment to maximize all available affordable housing program resources to meet the greatest needs of low-income Montanans across the

state. This collaboration will consider both the needs of low-income renter households as well as the financial viability and stability of multifamily projects funded. Finally, the board's administrative rules reflect that up to 75% of households/units assisted can have incomes up to 95% of area median income. This rule is proposed to provide flexibility for existing renters who may have higher incomes so as to not negatively impact or displace current households.

COMMENT NO. 2: A commenter identified that new HB 924 "GO Housing" monies can help leverage additional federal funds and provide "gap financing" to make projects financially feasible. The commenter continues by highlighting Montana's increased population growth, and the increasing lack of affordability for potential low- and middle-income homebuyers, the increase in cost-burdened Montana renters, and the need for workforce housing. The comment concludes by identifying a potential error in ARM 8.111.506(4), noting it appears references to eligible uses (a) and (c) should have been used for the long-term regulatory requirements in that section, instead of short-term regulatory requirements pertaining to eligible uses (b) and (e).

RESPONSE NO. 2: The board thanks the commenter for the comment and concurs that the new "GO Housing" monies will be a critical source of gap financing for affordable housing development and with the stated goal to use these new state resources to leverage existing federal resources such as the 4% housing credit. The board further concurs that "GO Housing" monies can be deployed for the development of "workforce housing." Please note that income targets for "workforce housing" are not defined in Montana statute, but it is known that low income housing tax credit properties, and other affordable multifamily rental developments, can and do support lower and moderate wage-earning households including essential workforce in Montana communities (i.e., service and tourism industry employees, teachers, healthcare workers etc.). The board's proposed administrative rules allow up to 75% of assisted households/units to be occupied by households with incomes up to 95% of area median income. Allowing up to 95% of area median income aligns with our goal to increase the supply of "workforce housing" in our cities and towns while still prioritizing low-income Montanans who are disproportionally housing cost burdened.

Finally, the board concurs that the reference in ARM 8.111.506(4) to ARM 8.111.503(1)(b) or (e) should be ARM 8.111.503(1)(a) and (c) instead. This was an error in the proposed rules; it was our intent to align ARM 8.111.506(4)(a) and (c) with long-term regulatory requirements for the development or acquisition of housing for low- or moderate income households rather than for bridge financing and/or land acquisition/land banking found in ARM 8.111.503(1)(b) and (e). The board will correct references in ARM 8.111.506(4) to reflect ARM 8.111.503(1)(a) and (c).

Contact

Jada Maynor
(406) 841-2596
jada.maynor@mt.gov

Montana Relay: 711

Rule Reviewer

Amy Barnes

Approval

Mandy Rambo, Deputy Director

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-263.2

Summary

Implementation of House Bill 246 pertaining to substantial equivalency

Previous Notice(s) and Hearing Information

On August 22, 2025, the Board of Medical Examiners (agency) published MAR Notice No. 2025-263.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 16.

On September 11, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective November 8, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.156.402) SUBSTANTIAL EQUIVALENCY

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: A commenter raised concerns about delays in licensure for out-of-state emergency care provider (ECP) applicants and recommended that the state utilize the emergency medical services compact to streamline the process once ECP licensure transitions from the board to a department program.

Response 1: The board thanks the commenter and appreciates stakeholder feedback. Compacts require legislation, and so this comment is outside the scope of this rulemaking project.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Ashleigh Magill, M.D., Chair, Board of Medical Examiners

MONTANA
ADMINISTRATIVE
REGISTER

BOARD OF FUNERAL SERVICE
DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-267.2

Summary

Implementation of House Bill 246 pertaining to substantial equivalency

Previous Notice(s) and Hearing Information

On September 26, 2025, the Board of Funeral Service (agency) published MAR Notice No. 2025-267.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 18.

On October 20, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. No comments were received by the comment deadline.

Final Rulemaking Action – Effective November 8, 2025

ADOPT AS PROPOSED

The agency has adopted the following rule as proposed:

NEW RULE 1 (24.147.417) SUBSTANTIAL EQUIVALENCY

Statement of Reasons

No comments were received.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Jim Axelson, Board Chair, Board of Funeral Service

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF LIVESTOCK

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-330.2

Summary

Amendment of ARM 32.2.403 pertaining to veterinary diagnostic laboratory fees

Previous Notice(s) and Hearing Information

On September 26, 2025, the Department of Livestock published MAR Notice No. 2025-330.1 pertaining to the proposed amendment of the above-stated rule in the 2025 Montana Administrative Register, Issue Number 18. No public hearing was scheduled or requested.

Final Rulemaking Action – Effective November 8, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

32.2.403 DIAGNOSTIC LABORATORY FEES

Statement of Reasons

The agency has considered the comments received. A summary of the comments received, and the agency's responses, are as follows:

COMMENT 1: One person commented to express full support for the proposed amendments.

RESPONSE 1: The department thanks the commenter for the feedback and support. The rule is amended as proposed.

Contact

Lindsey Simon, Department of Livestock
(406) 444-7631
MDOLcomments@mt.gov
TTY: (800) 253-4091
Fax: (406) 444-4316

Rule Reviewer

Lindsey Simon, Legal Counsel

Approval

Michael Honeycutt, Executive Officer

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-91.2

Summary

Adoption of NEW RULES 1 through 10 and repeal of ARM 36.25.143, 36.25.144, 36.25.145, 36.25.146, 36.25.149, 36.25.150, 36.25.152, 36.25.153, 36.25.154, 36.25.155, 36.25.156, 36.25.157, 36.25.161, 36.25.162, 36.25.163, 36.25.164, 36.25.165, 36.25.166, and 36.25.167 pertaining to recreational use of state trust land

Previous Notice(s) and Hearing Information

On July 11, 2025, the Department of Natural Resources and Conservation published MAR Notice No. 2025-91.1 pertaining to the public hearing on the proposed adoption and repeal of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 13. A public hearing was held on August 8, 2025, and the end of comment period was August 8, 2025.

Final Rulemaking Action – Effective November 8, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (36.25.1201) OVERVIEW

NEW RULE 2 (36.25.1202) DEFINITIONS

NEW RULE 3 (36.25.1203) LICENSE REQUIREMENTS FOR GENERAL RECREATION

NEW RULE 4 (36.25.1204) GENERAL RECREATION RULES AND RESTRICTIONS

NEW RULE 5 (36.25.1205) NOTICE TO LESSEES PRIOR TO ENTRY

NEW RULE 6 (36.25.1207) CLOSURE OF STATE LAND TO RECREATIONAL USE

NEW RULE 7 (36.25.1208) ROADS

NEW RULE 8 (36.25.1209) INTERAGENCY LAND MANAGEMENT AGREEMENTS

NEW RULE 9 (36.25.1210) SPECIAL RECREATIONAL USE

NEW RULE 10 (36.25.1212) PENALTIES

REPEAL

The agency has repealed the following rules as proposed:

36.25.143 OVERVIEW OF RECREATIONAL USE RULES

36.25.144 ADMINISTRATION OF RECREATION ON STATE LANDS ADMINISTERED BY THE DEPARTMENT

36.25.145 DEFINITIONS

36.25.146 GENERAL RECREATIONAL USE OF STATE LANDS: LICENSE REQUIREMENT

36.25.149 GENERAL RECREATIONAL USE OF STATE LANDS: RESTRICTIONS

36.25.150 GENERAL RECREATIONAL USE OF STATE LANDS: CATEGORICAL CLOSURES

36.25.152 GENERAL RECREATIONAL USE OF STATE LANDS: PROCEDURE FOR SITE SPECIFIC CLOSURES

36.25.153 MANAGEMENT CLOSURES AND RESTRICTIONS

36.25.154 RECREATIONAL USE ADVISORY COUNCIL

36.25.155 GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF ALL USES OTHER THAN HORSE USE NOT FOR THE PURPOSE OF LICENSED HUNTING, DISCHARGE OF FIREARMS NOT FOR THE PURPOSE OF LICENSED HUNTING, AND OVERNIGHT USE

36.25.156 GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF OVERNIGHT USE, HORSEBACK USE FOR ANY PURPOSE OTHER THAN LICENSED HUNTING, AND FOR DISCHARGE OF A FIREARM FOR ANY PURPOSE OTHER THAN LICENSED HUNTING

36.25.157 GENERAL RECREATIONAL USE OF STATE LANDS: PENALTIES

36.25.161 GENERAL RECREATIONAL USE OF STATE LANDS: OTHER PROVISIONS

36.25.162 SPECIAL RECREATIONAL USE OF STATE LANDS

36.25.163 BLOCK MANAGEMENT AREAS: GENERAL RULES FOR INCLUSION OF STATE LAND

36.25.164 BLOCK MANAGEMENT AREAS: PROCEDURES FOR INCLUSION OF STATE LAND

36.25.165 BLOCK MANAGEMENT AREAS: CRITERIA FOR INCLUSION OF STATE LAND

36.25.166 BLOCK MANAGEMENT AREAS: TERMS OF AGREEMENT

36.25.167 BLOCK MANAGEMENT AREAS: RENEWAL OF AGREEMENT

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: Two comments were received in support of the proposed rules.

Response 1: The department agrees with the comments received in support of the proposed rules.

Comment 2: One comment was received asking the department to make changes to language in NEW RULE 4 and NEW RULE 8 relating to wildlife management areas (WMA) managed by the Department of Fish, Wildlife and Parks to remove language requiring trust land to be enrolled in a WMA for WMA rules to apply, and instead automatically apply WMA rules to all trust land located within or adjacent to the exterior boundaries of a WMA.

Response 2: The comment proposes substantively changing rules for recreation on certain trust land. The proposed changes would result in different recreational use rules by mere proximity to a WMA. This suggestion is a significant change to the proposal notice and is outside the scope of this rulemaking. Additionally, the comment proposes replacing the word "enrolled" with ambiguous language about when trust land is subject to WMA rules. The department respectfully declines to adopt the proposed language suggested in the comment.

The portion of NEW RULE 4 (36.25.1204) addressed in FWP's comment is intended to be a mere rephrasing and clarification of current ARM 36.25.149(1)(i), not a substantive change. The department has historically interpreted ARM 36.25.149(1)(i) as merely specifying which recreational rules are applicable to a recreationist after a parcel of state land has been enrolled within an FWP unit (i.e., WMA or BMA), not describing the process by which a parcel of trust land is enrolled within a WMA or BMA unit. NEW RULE 4 (36.25.1204) removes the ambiguity in current ARM 36.25.149(1)(i) by substituting the "included within" language for the more precise "enrolled within" language so that the department's policy regarding ARM 36.25.149(1)(i) is clarified but remains unchanged. For the purposes of NEW RULES 4 and 8,

"enrolled" simply refers to a decision by the department to enlist a parcel of state trust land within the applicable rules, regulations, and procedures of a particular FWP unit. For example, see ARM 36.25.163(1). This has historically been accomplished via written agreement with FWP. While the department is committed to continuing to work closely with FWP to reduce patchwork regulations, the department did not intend to make a substantive change to its policy regarding the process by which state trust land is enrolled within a WMA in this rulemaking project. The department remains open to further discussions about this policy issue, which may be addressed in future rulemaking projects.

Contact

Jamie Price, Rules Coordinator
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Montana Relay 711

Rule Reviewer

Jason Kampman

Approval

Amanda Kaster, Director

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-526.2

Summary

Amendment of ARM 37.81.304 pertaining to the Big Sky Rx Program

Previous Notice(s) and Hearing Information

On July 25, 2025, the Department of Public Health and Human Services published MAR Notice No. 2025-526.1 pertaining to the public hearing on the proposed amendment of the above-stated rule in the 2025 Montana Administrative Register, Issue No. 14.

A hearing was held on August 14, 2025.

Final Rulemaking Action – The increase to the Big Sky Rx premium assistance benefit will be applied retroactively to January 1, 2025.

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

37.81.304 AMOUNT OF THE BIG SKY RX BENEFIT

Statement of Reasons

No comments were received.

Contact

Bailey Yuhas
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hhsadminrules@mt.gov
Fax: (406) 444-9744

Rule Reviewer

Robert Lishman

Approval

Charles T. Brereton, Director

Department of Public Health and Human Services

MONTANA
ADMINISTRATIVE
REGISTER

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-232.2

Summary

The department has amended and repealed rules in ARM Title 18, chapter 14, subchapter 2 to comply with Senate Bill 309 (2025).

Previous Notice(s) and Hearing Information

On September 12, 2025, the department published MAR Notice No. 2025-232.1 regarding the proposed amendments to the agency's rules in the 2025 Montana Administrative Register, Issue No. 17. No hearing was held. The comment period ended October 10, 2025, and no comments were received.

Final Rulemaking Action – Effective November 8, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

18.14.201 DEFINITIONS

18.14.205 REQUIREMENTS OF SCENIC-HISTORIC BYWAY DESIGNATION

18.14.208 REMOVAL OF MONTANA STATE BYWAY DESIGNATION

REPEAL

The agency has repealed the following rule as proposed:

18.14.202 ADVISORY COUNCIL

Statement of Reasons

No comments were received.

Contact

Aliselina Strong
406-444-9415
astrong@mt.gov

Rule Reviewer

Liz Franklin, Staff Attorney

Approval

Christopher Dorrington, Director

MONTANA
ADMINISTRATIVE
REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-252.2

Summary

This rulemaking defines what extracts and reports are available and provides the specific information included in each report.

Previous Notice(s) and Hearing Information

On September 26, 2025, the Secretary of State published MAR Notice No. 2025-252.1 pertaining to the public hearing on the proposed amendment of the below-stated rule in Issue 18 of the Montana Administrative Register. A public hearing was held on October 17, 2025.

Final Rulemaking Action – Effective November 8, 2025

AMEND WITH CHANGES

The agency has amended the following rule with the following changes from the original proposal, stricken matter interlined, new matter underlined:

44.3.1101 STATEWIDE VOTER DATABASE LISTS AND REPORTS

(1) and (2) remain as proposed.

Authorizing statute(s): ~~2-15-404~~ 13-2-122, MCA

Implementing statute(s): 13-2-122, MCA

Statement of Reasons

No comments were received. In accordance with 2-4-305(8)(a), MCA, the Secretary of State is correcting the authorizing statute citation for this administrative rule in the adoption notice.

Contact

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andrew.ritter@mt.gov
Montana Relay: 711
Fax: (406) 444-3976

Rule Reviewer

Austin Markus James

Approval

Christi Jacobsen, Secretary of State

MONTANA
ADMINISTRATIVE
REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-318.2

Summary

This rulemaking adopts the proposed changes to voter list maintenance related to incomplete and unverified voter registration applications.

Previous Notice(s) and Hearing Information

On September 26, 2025, the Secretary of State published MAR Notice No. 2025-318.1 pertaining to the public hearing on the proposed amendment of the below-stated rule in Issue 18 of the 2025 Montana Administrative Register. A public hearing was held on October 17, 2025.

Final Rulemaking Action – Effective November 8, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

44.3.2005 VOTER REGISTRATION APPLICATION INFORMATION REQUIREMENTS

Statement of Reasons

No comments were received.

Contact

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Rule Reviewer

Austin Markus James

Approval

Christi Jacobsen, Secretary of State

MONTANA
ADMINISTRATIVE
REGISTER

SECRETARY OF STATE

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-360.2

Summary

This rulemaking adopts the proposed timeline for entering voter history data in the Statewide Voter Registration System.

Previous Notice(s) and Hearing Information

On September 26, 2025, the Secretary of State published MAR Notice No. 2025-360.1 pertaining to the public hearing on the proposed amendment of the below-stated rule in Issue 18 of the 2025 Montana Administrative Register. A public hearing was held on October 17, 2025.

Final Rulemaking Action – Effective November 8, 2025

AMEND AS PROPOSED

The agency has amended the following rule as proposed:

44.3.1102 STATEWIDE VOTER REGISTRATION SYSTEM

Statement of Reasons

No comments were received.

Contact

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Rule Reviewer

Austin Markus James

Approval

Christi Jacobsen, Secretary of State

MONTANA
ADMINISTRATIVE
REGISTER

SECRETARY OF STATE

SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-251.2

Summary

The rulemaking proposes a new draft of the Ballot Layout Guide.

Reason for Supplemental Notice

On September 26, 2025, the Secretary of State's Office published MAR Notice No. 2025-251.1 pertaining to a public hearing on the proposed amendment of the below-stated rule in Issue 18 of the 2025 Montana Administrative Register. A public hearing was held on October 17, 2025.

The Secretary of State's Office (SOS) has updated the draft version of the ballot layout guide from September 16, 2025, to October 17, 2025. With the updated draft, SOS is also extending the comment period from the original comment deadline established in MAR Notice No. 2025-251.1.

Comments

Comments may be submitted using the contact information below. Comments must be received by Friday, November 21, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, November 11, 2025, at 5:00 p.m.

Contact

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Rulemaking Actions

AMEND

The following is how the proposed rule amendment was presented in the original proposal notice, stricken matter interlined, new matter underlined:

44.3.2408 BALLOT FORM AND UNIFORMITY

(1) The Secretary of State's Office adopts and incorporates by reference the "Ballot Layout Guide" dated ~~January 16, 2024~~ September 16, 2025, which county election administrators must follow to ensure uniformity of the ballot form for each type of ballot used in the state as required by 13-12-202, MCA. A copy of the Ballot Layout Guide can be accessed on the Secretary of State's website at sosmt.gov.

Authorizing statute(s): 13-1-202, 13-12-202, MCA

Implementing statute(s): 13-1-202, 13-12-202, MCA

AMEND

The agency is proposing to amend the original rule in the following way, stricken matter interlined, new matter underlined:

44.3.2408 BALLOT FORM AND UNIFORMITY

(1) The Secretary of State's Office adopts and incorporates by reference the "Ballot Layout Guide" dated ~~January 16, 2024~~ October 17, 2025, which county election administrators must follow to ensure uniformity of the ballot form for each type of ballot used in the state as required by 13-12-202, MCA. A copy of the Ballot Layout Guide can be accessed on the Secretary of State's website at sosmt.gov.

Authorizing statute(s): 13-1-202, 13-12-202, MCA

Implementing statute(s): 13-1-202, 13-12-202, MCA

Reasonable Necessity Statement

The reasonable necessity statement for this proposed rule change can be found in MAR Notice No. 2025-251.1. This supplemental notice corrects a clerical error in the September 16, 2025, draft Ballot Layout Guide by reincorporating the following sentence into the October 17, 2025, draft: "A range of ballots may be designated within these stub numbers, for each precinct, district, or ward, as applicable, for use as provisional ballots."

Rule Reviewer

Austin Markus James

Approval

Christi Jacobsen, Secretary of State